

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA,
EXTRA SESSION OF 1909.
HELD IN THE CITY OF MONTGOMERY,
COMMENCING
TUESDAY, JULY 27, 1909.



WITH AN INDEX PREPARED BY
THE CLERK OF THE HOUSE.

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House of Representatives

of the State of Alabama

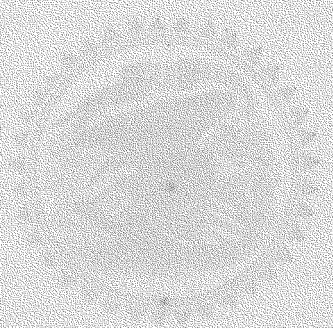
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ALABAMA
—
EXTRA SESSION 1909.
— —

FIRST DAY.

MONTGOMERY, Ala., Tuesday, July 27th, 1909.

Be it remembered that on the 15th day of July, A. D. 1909, B. B. Comer, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, towit:

PROCLAMATION BY THE GOVERNOR.

WHEREAS, in the opinion of the Governor, an extraordinary occasion exists which renders it necessary to have the action of the Legislature of Alabama concerning the subjects and matters hereinafter specifically stated:

NOW, THEREFORE, I, B. B. Comer, Governor of the State of Alabama, do hereby issue this my proclamation, convening the said Legislature to meet in special session at the Capitol in the Senate Chamber and in the Hall of the House of Representatives, on Tues-

day, the Twenty-seventh day of July, Nineteen Hundred and Nine, at Twelve o'clock, noon, and I do hereby designate the following subjects and matters of legislation and the following proposed constitutional amendments as those concerning which the action of that body is deemed necessary, namely:

1. Proposal of and submission to the qualified electors of the State of an amendment of section 48 of article 4 of the State Constitution so as to provide for biennial sessions of the Legislature.

2. Proposal of and submission to the qualified electors of the State of an amendment to the State Constitution providing for the formation and establishing of new counties out of portions of one, two or more counties.

3. Proposal of and submission to the qualified electors of the State of an amendment to the State Constitution so as to prohibit the manufacture, sale and keeping for sale of alcoholic and malt liquors and other intoxicating liquors and beverages, with such exceptions as may be specified therein, and providing for the designation in the amendment or by the Legislature of places where such liquors and beverages may not be stored or kept.

4. The promotion of temperance and the suppression of intemperance.

5. The prohibition of the manufacture and sale, gift or other disposition of any beverage or liquor containing alcohol and of such beverages as may be made the means of evading the State statute prohibiting the manufacture, sale, barter, exchange or other disposition of alcoholic, spirituous, vinous or malt liquors, intoxicating bitters or beverages or other liquors or beverages by whatever name called, which if drunk to excess will produce intoxication, approved November 23, 1907; and

the more effectual securing of the speedy enforcement of said law and other laws of the State designed to promote temperance and good order.

6. The taxation, licensing, and regulating the manufacture of and traffic in or sale or other disposition of such liquors, liquids and beverages as the law of the State may permit to be manufactured, sold or otherwise disposed of.

7. The amendment or revision of the statutes providing for the organization, regulation and government of social, literary or other societies, associations or clubs and of other corporations; and the amendment of the charter of domestic corporations.

8. The prevention or prohibition of storage, receiving for storage, receiving on consignment, or delivery, or transporting by any person, firm, association or corporation, of liquors, liquids, or beverages, the manufacture, sale or other disposition of which is or may be prohibited by the law of this State.

9. The amendment or revision of chapter 248 (containing four articles on the subject of liquors) of the Criminal Code of 1907, from Section 7353 to Section 7385, both inclusive, or of any section or sections thereof which the Legislature may see fit; and the prescribing of remedies, forms and modes of procedure for the more effectual and speedy enforcement of the laws of the State against the manufacture, sale or other disposition of, or the traffic in, or the storage or delivery of prohibited liquors, liquids and beverages.

10. Providing the cases and circumstances in which beverages, liquids or liquors prohibited by law to be sold, manufactured or otherwise disposed of in this State become contraband; to provide for the seizure and destruction of such contraband liquors or beverages, and the proceedings by which such destruction may be secured.

11. The prevention of any foreign corporation from entering this State, or doing business herein, or maintaining in this State any agency or place of business or resort by such corporation engaged in the manufacture or sale, or is empowered to manufacture or sell or dispose of alcoholic, spirituous, vinous or malt liquors, or any liquor or beverage prohibited by the law of Alabama, to be manufactured, sold or otherwise disposed of in this State, or that is engaged in any business that any citizen or domestic corporation of Alabama is prohibited to carry on in Alabama.

12. The suppression of gambling and gaming rooms or houses, and the providing of more effectual remedies for accomplishing such suppression.

13. The amendment, revision or repeal of any law or part thereof regulating or affecting or relating to railroads or other common carriers, or to the Railroad Commission of Alabama or the powers thereof, or the passage of any law concerning or regulating or relating to the same as to the Legislature may seem best.

14. Provision for the filling of a vacancy in any State, County or Municipal office, where no provision of law exists for filling such vacancy.

15. The making of appropriations for past publications or proclamations in respect to constitutional amendments, or other public matters, and for future publication of such proclamations.

16. Provisions for a uniform jury law, regulating qualifications, mode of selection, empanelling juries for trial of causes in the Courts of the State, and other matters pertaining to juries.

17. Provision for official stenographers for circuit courts and other trial courts in the State.

18. Provision for the government of towns and cities by commission; enlarging the police jurisdiction. of

towns and cities and conferring upon them power to adopt ordinances not inconsistent with the laws of the State, to promote temperance and to suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances; also power to forfeit licenses for violations thereof and to provide for the destruction of contraband liquors.

19. Provision for the issue of bonds of municipal corporations for public purposes and the holding of elections to authorize such issue.

20. To regulate the practice of pharmacy and the sale of poisons in cities and towns of the State, and to repeal conflicting laws.

21. Enactment of a law providing for pure food and pure drugs.

22. Enactment of a law regulating the sale of narcotics.

23. Provisions for the protection of the forests of Alabama and to establish and create a State Commission of Forestry.

24. Prohibition of the sale or barter, or having in possession, of small deadly weapons, such as small pistols, bowie knives, dirks, brass knucks, and slung shots, with such exceptions as the Legislature may adopt.

25. Defining and regulating negotiable instruments.

26. Prohibiting the display of nude pictures.

27. The re-enactment of the law regulating the employment of child labor in mills, factories and manufacturing establishments, and providing for the inspection of the rooms, places and premises where they are worked, with adequate penalties.

28. Authorizing cities of the State, or such class of the cities as the Legislature may prescribe, to compel railroad companies, or those operating railroads, to

construct and maintain bridges, viaducts and tunnels, and their approaches over, under or across railroad tracks within the city limits, and to provide for defraying the expense of the same.

29. The amendment of sections 3647 and 3648 of the civil code of 1907.

30. The re-enactment of section 120 of the Municipal Code, approved August 13, 1907, providing for the payment to municipalities by courts of county commissioners, and boards of revenue, a portion of a special road and bridge tax, or either, to be used for the purpose of maintaining streets and bridges in the corporate limits of such municipalities.

31. The repeal of an act to define who are delinquent children, to provide for their arrest, care and reformation, approved March 12, 1907, and all acts amendatory thereof; and provision for a new law upon that subject.

32. Provision for the making of bonds for the State Auditor and Secretary of State through guarantee companies and provision for the payment of premiums on same.

33. The alteration or revision of the law of the State in reference to creating three separate funds in the State Treasury.

34. Provision for the compulsory education of the children of the State.

35. Amendment or revision of section 1720, 1721, 1722, 1723, 1726, 1727, 1741 and 1742 of the Code of 1907, relating to examination of teachers.

36. The amendment or revision of sections 546, 547, 548 and 549 of the Code of 1907, relating to examiners of public accounts.

37. Provision for conferring authority upon courts of county commissioners, or county boards of revenue,

to appropriate funds out of the county treasury to aid or assist county high schools in the erection of buildings and maintaining said schools.

38. Protection of the oyster and fish industry of the coast counties.

39. Amendment or revision of section 6733 of the Code of 1907 so as to confer upon justices of the peace jurisdiction of offenses under or against the game and fish law of the State.

40. The amendment or revision of section 6262 of the Code of 1907.

41. The amendment or revision of sections 3484 and 3487 upon the subject of eminent domain.

42. The amendment or revision of Section 3277 of the Code of 1907, and to provide for the disposition of any funds collected by clerks of the various courts of the State.

43. The making of an appropriation to defray the expenses that may be incurred in connection with the railroad rate litigation now pending in the Federal Court, or any litigation that may hereafter be instituted by any common carrier against the Railroad Commission or the officers of the State.

44. The removal or impeachment of state, county, and municipal officers, including police officers, for official delinquency, and defining the duties of such officers in respect to law enforcement.

45. Provision for an increase of Bank Examiners and for their salaries; regulation of the establishment and operation of branch banks; provision for the more frequent publication of the condition of the banks of the State.

46. Provision for the alteration and re-arranging of the corporate limits and boundaries of the city of Birmingham, and provision for dissolving the charters of

such municipal corporations as may be embraced by such alteration and rearrangement, and providing for the disposition of the assets and the payment of the liabilities of such municipal corporations whose charters are dissolved.

47. Provision for the correct keeping of the House and Senate Journals.

48. The amendment or revision of sections 7793 and 7794 of the Criminal Code of 1907.

49. Enactment of a law defining the duties and powers of the Insurance Commissioner as to fire investigations.

50. Provision for requiring reports of fire losses to said Insurance Commissioner.

51. A law fixing the amount of capital stock and deposit of domestic casualty companies.

52. Enactment of a law prohibiting misrepresentations, rebating and discriminations by life insurance companies, and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds, or other securities in connection with the sale of life insurance.

53. The amendment of section 7189, Code of 1907, by better defining agents.

54. The amendment of section 4559 of the Code of 1907 so that bonds issued by any State Government of the United States may be accepted as security for deposit under said Section upon the approval of the Insurance Commissioner, Attorney General and the Governor, and by striking out the word "stocks" therein.

55. The amendment of Sections 4581 and 4582 of the Code of 1907, by prescribing penalties and increasing the amount of tax on gross premiums.

56. The amendment of section 4588 by requiring the Insurance Commissioner to report violations of the insurance laws.

57. The amendment of section 6572 of the Code of 1907 with regard to the cost of committing magistrate and constable on preliminary trials.

58. The repeal of section 6652 of the Code of 1907.

59. The amendment of section 572 of the Code of 1907.

60. The amendment of an act to provide for the organization, incorporation, government and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this Act; Approved August 13, 1907; or of any section thereof.

61. Provision for harmonizing the various laws on the subject of separate or special school districts, and to make such laws uniform throughout the State.

62. The amendment of section 7718 of the Code of 1907.

63. Enactment of a law providing further appropriation for public printing and binding.

64. Enactment of a law providing for auditing, correcting and revising the pension rolls of the various counties of the State.

65. Provision for discharge from Insane Hospitals of harmless insane and for return to their home counties.

IN TESTIMONY WHEREOF, I have
hereunto set my hand and caused the
(SEAL.) Great Seal of the State of Alabama to
be affixed at the Capitol, in the City of
Montgomery, Alabama, this 15th day
of July, 1909.

B. B. COMER,
Governor.

By the Governor:
FRANK N. JULIAN,
Secretary of State.

In pursuance whereof, at the hour of 12 M. on Tuesday the 27th day of July, 1909, the representatives in the Legislature of Alabama assembled in the hall of the House of Representatives.

The House was called to order by the Hon. A. H. Carmichael, speaker of the House of Representatives.

PRAYER.

The session was opened with prayer by the Rev. Mr. McGhee, of the city .

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Elrod	Long (Morgan)
Alford	Fuller	Lyons
Altman	Garner	Malone
Arnold	Glover	Maner
Arrington	Gunter	Mastin
Avery	Haley	Mitchell
Ballard (Autauga)	Henley	Moore
Ballard (Pike)	Hoffman	McCrory
Baltzell	Jenkins	McDuffie
Barton	John	McMillan
Benners	Johnson	Norville
Benson	Jones	Oliver
Bloch	Killen	Parker
Brown	King	Pearson
Bulger	Kirby	Peete
Cannon	Kornegay	Pitts (Dallas)
Carmichael	Lacy (Dallas)	Pitts (Perry)
Coleman	Lacy (Walker)	Powell (Bullock)
Cooper	Lancaster	Powell (Covington)
Cranford	Lawson	Pratt
Crum	Lee (Barbour)	Price
Doyle (Marengo)	Lee (Etowah)	Pugh
Dudley	Lee (Houston)	Ragsdale
Edwards	Long (Butler)	Rainer

Rattray	Seale	Turner
Rice	Sherrod	Urquhart
Rowe	Smith (Elmore)	Vann
Rushton	Smith (Etowah)	White (Lamar)
Sample	Smith (Lee)	White (Perry)
Sanders	Thompson	Williams (Barbour)
Sanford	Tunstall	Woolf

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A quorum was present.

OATH OF OFFICE.

Hon. B. W. Cunningham, who was elected to succeed Hon. J. L. Hughston as representative from Lauderdale county, and Hon. F. I. Tarrant who was elected to succeed Hon. R. F. Lovelady from Jefferson county, and Hon. W. D. McCurdy, who was elected to succeed Hon. Jesse Coleman from Lowndes county, and Hon. W. P. Hughes, who was elected to succeed Hon. B. P. Smith from Franklin county, and Hon. J. S. Wittmeier who was elected to succeed Hon. H. A. Weaver from Blount county, and Hon. S. F. Mayfield, who was elected to succeed Hon. J. Manly Foster from Tuscaloosa county and Hon. Frank Stollenwerck, Jr., who was elected to succeed Hon. R. T. Goodwyn from Montgomery county and Hon. Warren Williams who was elected to succeed the late T. D. Power from Lee county, appeared, and the oath of office was administered to each of them by the speaker of the House.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Armstrong on account of sickness.

RESOLUTION.

Mr. Lacy, of Walker, offered the following resolution:

H. R. No. 1. Resolved, That the House proceed at once to the election of an assistant clerk, an engrossing clerk, an enrolling clerk and an assistant doorkeeper.

On motion of Mr. Lacy, of Walker, the rules were suspended and the resolution was adopted.

ELECTION OF OFFICERS.

The House proceeded with the election of the officers, set out in the above resolution.

Mr. Woolf nominated Mr. W. F. Herbert for assistant clerk and those who voted for Mr. Herbert are:

Messrs. Speaker	Johnson	Powell (Bullock)
Alford	Jones	Powell (Covington)
Altman	Killen	Pratt
Arnold	King	Price
Arrington	Kirby	Pugh
Avery	Kornegay	Ragsdale
Ballard (Autauga)	Lacy (Dallas)	Rainer
Ballard (Pike)	Lacy (Walker)	Rattray
Baltzell	Lancaster	Rice
Barton	Lawson	Rowe
Benness	Lee (Etowah)	Rushton
Benson	Lee (Houston)	Sanders
Bloch	Long (Butler)	Sanford
Brown	Long (Morgan)	Seale
Bulger	Lyons	Sherrod
Cannon	Malone	Smith (Elmore)
Carmichael	Maner	Smith (Etowah)
Ccleman	Mastin	Smith (Lee)
Cooper	Mayfield	Stollenwerck
Cranford	Mitchell	Tarrant
Crum	Moore	Thompson
Cunningham	McCrory	Tunstall
Doyle (Marengo)	McCurdy	Turner
Edwards	McDuffie	Urquhart
Elrod	McMillan	Vann
Garner	Norville	Wittmeier
Glover	Oliver	White (Lamar)
Haley	Parker	White (Perry)
Henley	Pearson	Williams (Barbour)
Hoffman	Peete	Williams (Lee)
Hughes	Pitts (Dallas)	Woolf
Jenkins	Pitts (Perry)	

Mr. Herbert having received all the votes cast was declared duly elected assistant clerk of the House for the term prescribed by law.

The House then proceeded to the election of an engrossing clerk. Mr. Lacy, of Walker, nominated Mr. F. A. Gamble for engrossing clerk, and those who voted for Mr. Gamble are:

Messrs. Speaker	Jenkins	Powell (Bullock)
Alford	Johnson	Powell (Covington)
Altman	Jones	Pratt
Arnold	Killen	Price
Arrington	King	Pugh
Avery	Kirby	Ragsdale
Ballard (Autauga)	Kornegay	Rainer
Ballard (Pike)	Lacy (Dallas)	Rattray
Baltzell	Lacy (Walker)	Rice
Barton	Lancaster	Rowe
Benners	Lawson	Rushton
Benson	Long (Butler)	Sample
Bloch	Long (Morgan)	Sanders
Brown	Lyons	Sanford
Bulger	Malone	Seale
Cannon	Maner	Sherrod
Carmichael	Mastin	Smith (Elmore)
Coleman	Mayfield	Smith (Etowah)
Cooper	Mitchell	Smith (Lee)
Cranford	Moore	Stollenwerck
Crum	McCrary	Tarrant
Cunningham	McCurdy	Thompson
Doyle (Marengo)	McDuffie	Tunstall
Edwards	McMillan	Turner
Elrod	Norville	Urquhart
Garner	Oliver	Vann
Glover	Parker	Wittmeler
Haley	Pearson	White (Lamar)
Henley	Peete	White (Perry)
Hoffman	Pitts (Dallas)	Williams (Lee)
Hughes	Pitts (Perry)	Woolf

Mr. Gamble having received all the votes cast was declared duly elected engrossing clerk of the House for the term prescribed by law.

The House proceeded with the election of an enrolling clerk.

Mr. McDuffie nominated Mr. Thos. H. Seay for enrolling clerk and those who voted for Mr. Seay are:

Messrs. Speaker	Hughes	Pratt
Alford	Jenkins	Price
Altman	John	Pugh
Arnold	Johnson	Ragsdale
Arrington	Jones	Rainer
Avery	Killen	Rattray
Ballard (Autauga)	King	Rice
Ballard (Pike)	Kirby	Rowe
Baltzell	Kornegay	Rushton
Barton	Lacy (Walker)	Sample
Benners	Lancaster	Sanders
Benson	Lawson	Sanford
Bloch	Long (Morgan)	Seale
Brown	Lyons	Sherrod
Bulger	Malone	Smith (Elmore)
Cannon	Maner	Smith (Etowah)
Carmichael	Mayfield	Smith (Lee)
Coleman	Mitchell	Stollenwerck
Cooper	Moore	Tarrant
Cranford	McCrary	Thompson
Crum	McCurdy	Tunstall
Cunningham	McDuffie	Turner
Doyle (Marengo)	McMillan	Vann
Edwards	Norville	Wittmeier
Elrod	Oliver	White (Lamar)
Fuller	Parker	White (Perry)
Garner	Peete	Williams (Barbour)
Glover	Pitts (Dallas)	Williams (Lee)
Haley	Pitts (Perry)	Woolf
Henley	Powell (Bullock)	
Hoffman	Powell (Covington)	

Mr. Seay having received all the votes cast was declared duly elected enrolling clerk for the term prescribed by law.

The House proceeded to the election of an assistant doorkeeper.

Mr. Pitts, of Dallas, nominated Mr. T. W. DeYampert, for assistant doorkeeper, and those who voted for Mr. DeYampert are:

Messrs. Speaker	John	Powell (Covington)
Alford	Johnson	Price
Altman	Jones	Pugh
Arnold	Killen	Ragsdale
Arrington	King	Rainer
Avery	Kirby	Ratray
Ballard (Pike)	Lacy (Dallas)	Rice
Baltzell	Lacy (Walker)	Rushton
Barton	Laucaster	Sample
Benmers	Lawson	Sanders
Benson	Long (Butler)	Sanford
Bloch	Long (Morgan)	Seale
Brown	Lyons	Sherrod
Bulger	Malone	Smith (Elmore)
Cannon	Maner	Smith (Etowah)
Carmichael	Mastin	Smith (Lee)
Coleman	Mayfield	Stollenwerck
Cooper	Mitchell	Tarrant
Cranford	McCrary	Thompson
Crum	McCurdy	Tunstall
Cunningham	McDuffie	Turner
Edwards	McMillan	Urquhart
Elrod	Norville	Vann
Fuller	Oliver	Wittmeier
Garner	Parker	White (Lamar)
Glover	Pearson	White (Perry)
Haley	Peete	Williams (Barbour)
Henley	Pitts (Dallas)	Williams (Lee)
Hoffman	Pitts (Perry)	Woolf
Hughes	Powell (Bullock)	

Mr. DeYampert having received all the votes cast was declared duly elected assistant doorkeeper for the term prescribed by law.

OATH OF OFFICE.

Messrs. Herbert, Gamble, Seay and DeYampert appeared and the oath of office was administered to them by Hon. A. H. Carmichael, speaker of the House.

RESOLUTIONS.

The following resolutions were introduced, the rules were suspended and the resolutions were adopted.

By Mr. Rice:

H. J. R. 2. Resolved by the House, the Senate concurring, That a joint committee of three from the House and two from the Senate, be appointed to wait upon the governor and notify him that the Legislature is duly organized and awaits his message.

The Speaker named as committee on part of the House, Messrs. Rice, Parker and Garner.

By Mr. John:

H. R. 3. Resolved, That the clerk of the House is hereby required to have printed five hundred copies in pamphlet form of the governor's proclamation convening the Legislature in special session.

By Mr. Maner:

H. R. 4. Resolved, That the rules adopted by this House at the last preceding regular and extra sessions of the Legislature be and continue the rules of this House until changed or amended.

By Mr. John:

H. R. 5. Resolved, That the standing committees as constituted at the last special session of the Legislature shall be the standing committees for this special session, except where the assignment of new members to committees in the judgment of the speaker, renders necessary the change in assignment of any members to any other standing committee.

By Mr. John :

H. J. R. 6. Resolved, by the House, the Senate concurring, that when the two Houses adjourn, it be to meet at 3 o'clock p. m.

The following resolution was introduced, and referred to the standing committee on Judiciary.

By Mr. John :

H. J. R. 7. Joint resolution, of the Legislature of the State of Alabama, ratifying the 16th amendment of the Constitution of the United States.

Whereas, the congress of the United States, on July -, 1909, adopted a joint resolution, proposing an amendment to the constitution of the United States, as follows :

"Resolved, by the Senate and House of Representatives of the U. S. A., in congress, assembled, two-thirds of each House concurring therein, that, the following article is proposed as an amendment to the constitution of the United States, which, when ratified, by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes, as a part of the constitution :"

Article XVI. The congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census, or enumeration."

And the foregoing proposed amendment having been laid before the Legislature of the State of Alabama, for consideration and action ; now, therefore, be it resolved by the Legislature of the State of Alabama, That the foregoing amendment to the constitution of the United States be, and the same is hereby ratified to all intents and purposes, as a part of the constitution of the United States.

2. That the governor of this State is hereby requested to forward to the president of the United States an authentic copy of the foregoing joint resolution.

Mr. John offered the following resolution, which was referred to the standing committee on rules.

By Mr. John :

H. R. 8. Resolution to amend Rule 29. Resolved, That Rule 29 be amended so as to read: 29. When a committee has decided adversely to any bill, or resolution, such action shall be reported to the House, in the form prescribed under the constitution, and the bill, or resolution shall be placed on the adverse calender.

A motion may be made on any day immediately after the reports of standing committees to take a bill or resolution from the adverse calendar and place it on the regular calendar of the House, and if this motion prevails, the clerk must immediately enter it upon the regular calendar.

Mr. Smith, of Lee, offered the following resolution which was adopted by a rising vote :

H. R. 9. By Mr. Smith, of Lee :

RESOLUTIONS OF RESPECT.

Whereas, the Great Ruler of the universe in His wisdom has seen fit to remove by death Hon. T. D. Power a member of this House, therefore,

Be it resolved, by the House of Representatives, 1. That the State has lost a faithful public servant and an honest, upright citizen.

2. That we extend our sympathy to his family and pray that the Heavenly Father may comfort them.

3. That these resolutions be spread upon the journal of the House, and a copy mailed to his family, and that a page of the journal be dedicated to his memroy.

DEDICATED
TO THE
MEMORY
OF THE LATE
HON. T. D. POWER
REPRESENTATIVE
FROM
LEE COUNTY

MESSAGE FROM THE SENATE.

Mr. Speaker:

I am directed by the Senate to notify the House that the Senate has perfected a permanent organization by the election of the following officers:

J. A. Kyle—Secretary.

Paul A. Savage—Assistant Secretary.

W. B. Kemp—Doorkeeper.

W. H. Maybin—Assistant Doorkeeper.

Mrs. M. V. Gesner—Engrossing and Enrolling Clerk.

Mrs. Laura J. Alley—Comparing Clerk.

John T. Walkins—Doorkeeper Gallery.

And, has concurred in House Joint Resolution No. 2, relative to committee to wait upon the governor.

Committee on part Senate: Messrs. Thomas and Merritt.

APPOINTMENTS.

The speaker of the House announced the following appointments:

Messengers—Eddie Dent, W. T. O'Bannon and Charles E. McCall.

Pages—Hugh Hale, Gus Borders, Morgan Sherrod, Joel Rainer, Ellis Crawford and Ralph Mitchell.

Reading Clerk—Kyle B. Price.

Doorkeeper of Gallery—Joel Barnett.

REPORT OF COMMITTEE.

Mr. Rice, from the committee to wait upon the governor, reported the following message from the governor:

MESSAGE FROM THE GOVERNOR.

Chief Executive Department,
Alabama.

MONTGOMERY, July 27, 1909.

To the Speaker of the House of Representatives:

I am directed by the governor to transmit to you here-with a message in writing.

JNO. D. MCNEEL,

Private Secretary.

GOVERNOR'S MESSAGE.

Gentlemen of the Legislature, House and Senate:

In calling you into extraordinary session, I think it right to compliment you on your success in legislation. Unquestionably you have created a revolution for good throughout the State, and time will approve your acts; will verify the correctness of your statutes and show you acknowledged benefactors of your State.

EQUALIZATION OF TAXES.

The law for equalization of taxes has been successful. Without putting an unjust burden on any property, it has added in franchise and ad valorem value one hundred million dollars to the tax assessments of the State. This, too, in face of the fact that the country has suffered from a panic. The operation of your law is new, but I feel confident that after being more fully understood, and when normal business conditions return, it will be most successful in securing an equitable adjustment of all tax values.

ELEEMOSYNARY INSTITUTIONS.

Your appropriations for the eleemosynary institutions of the State have been liberal and have accomplished much good. The asylums at Tuscaloosa and Mt. Vernon are on a much better basis. Both asylums are full. The expenses last year were \$80,000 more than in 1907, and already this year \$110,000 more. There should be some method of returning to the counties those inmates whose condition does not require confinement, and also some method of vicing and limiting expenses and returning to the State treasury such moneys as are unexpended.

Your appropriation for the Institute for the Deaf has extended the facilities of that institution, and the trustees report that most excellent work is being done there.

The Boys' Industrial School at East Lake, with its new buildings, is on a larger and better basis for the care and training of the wayward youths who come under its management.

The Old Soldiers' Home at Mountain Creek is better cared for, and conditions there are more satisfactory than ever before.

PENSIONS.

You designated \$100.00 per year for first class pensioners; for second class, \$80.00; for third class, \$64.00; for fourth class, \$50.00; and you made an appropriation of \$350,000 per year to be added to the \$50,000 previously appropriated and the one mill ad valorem tax, thus establishing the pension fund. These sums amounting to \$829,153.18 for the past year are \$352,255.94 more than the pension fund amounted to for the year ending September 30th, 1907. But the pension examiners, under the law, increased the number of first class pensioners from 147 to 1,791 and the total number from 15,475 to 16,696. Notwithstanding this large increase in the number of pensioners, the first class actually received \$88.75 for the fiscal year 1908 as against \$60.00 for the year ending September 30th, 1907; second class, \$71.00 as against \$50.00; third class, \$56.00 as against \$40.00; fourth class, \$44.00 as against \$30.00. On account of the increased number of pensioners and the advancement from lower class to first class, the old soldiers did not receive this year the full amount per capita for the last quarter; yet they, in the aggregate and individually, received much more than in the year ending September 30th, 1907, and a larger amount than ever before, and the grand total for pensioners of \$829,153.18 per annum evidences the State's gratitude.

SCHOOLS.

Your appropriations for schools of every class have been like planting good seed in ground that has been made thoroughly rich and fallow.

The new buildings at the University, at the Polytechnic, at the Girls' Industrial—long needed—have placed those institutions on a new and higher basis, securing for the young men and women of the State facilities for thorough education.

Aided by your appropriations, the normal and agricultural schools and the new high school system show remarkable growth. The accessibility of these schools to every part of the State places within easy reach of all an opportunity for securing advanced education.

From the increase in ad valorem tax and your direct appropriation the public schools have an increased maintenance of \$650,000 per annum, and the further amount of \$67,000 per annum for rural school houses. The people have largely taken advantage of the fund for repairing and building rural school houses and of the increased fund for rural education. It is estimated that the rural districts, taking advantage of the \$1,000 fund given annually to each county for repairing and building school houses—not over \$200 being allowed any school—have repaired 191 rural school houses, and have erected 384 new buildings at an estimated cost of \$400,000, of which the State paid less than \$100,000. Through the appropriation of \$2,000 annually to the high schools of the different counties, 29 new schools will be in active operation next year, and school property of an estimated value of \$435,000 has been added to the State. A new impetus has been given toward better and higher education, and higher citizenship, and I am suggesting to you that the way to compulsory education looks easy and safe, and I further suggest that you do not hesitate in this matter. No parent with such advantages as Alabama now offers has the right to rear his family in ignorance.

At a cost of \$45,000 you repaired the Medical College at Mobile and established it as a State institution and appropriated \$5,000 annually for its maintenance. You increased the appropriation for the State Medical Board \$5,000 annually. The former offers great opportunities for the medical students of the State and there is no reason why they should not be largely taken advantage of, and I understand that they are. The State Medical Board has done a great work in giving the Pasteur treatment; in innoculating against disease and in environing every part of the State with scientific care.

COURTS.

You have established new courts of law and equity, giving facilities for quick trial in all cases, and you have placed the Judicial System on a higher basis.

You increased the salaries of the Justices of the Supreme Court, of the Chancellors, of the Circuit Judges and Solicitors, and you made appropriations for the salaries, formerly paid by the counties, of the Justices of the City Courts and the Law and Equity Courts.

FORESTRY, FISH AND GAME.

You made the forestry law, which will work great good, it is believed, in protecting our forests from destruction. Your fish and game laws have proven successful in the protection of fish and game, and have brought revenue into the Treasury.

SOIL SURVEY.

Your appropriation of \$10,000 annually for the soil survey of the State is giving to the farmers a better knowledge of the soils and their adaptability to certain crops.

LIVE STOCK BOARD.

Your law establishing a State Live Stock Sanitary Board and the office of State Veterinarian, and the appropriation of \$5,000 for expenses has been of great benefit in protecting live stock from contagious, and infectious diseases, and has done great good in excluding such diseases from our State.

MILITARY.

Your increased military appropriation of \$5,000 has been productive of great good. And it is my pleasure to report to you that our State troops are in better condition and morale than ever before. The unfortunate labor strike in the Birmingham district and the Eufaula riot have proven that these troops are of incalculable benefit to the State. I cannot commend them too highly as one of the most important factors for the prevention of crime and the preservation of the peace of the State.

RAILROAD LEGISLATION.

Your law establishing the Railroad Commission and giving it power to exercise certain delegated functions with reference to rates has been sustained by the Federal Circuit Court of Appeals at New Orleans, and will prove most useful alike to every class of shipper and carrier. This is something for which the State has contended for thirty years—a contest commenced by Captain Walter L. Bragg—and when the full extent of the law is realized, it will prove one of the most equitable and far-reaching laws in its beneficial results of any of our statutes. Your law making passenger rates $2\frac{1}{2}$ cents per mile and regulating the rate on the Eight Group Acts, comprising the 110 articles of common production, consumption and use, are now in effect and are not unjust to the carrier, but a great saving to the consumer, producer and shipper. The farmers, manufacturers and consumers of the State have been given nearly the same freight rate on these articles that has been

maintained in Georgia, the Carolinas and Virginia for many years. In other words, this is not a pioneer movement. It is a traveled way; and there is no reason why railroads should come into our State, where conditions are so similar, and after crossing our State line immediately increase passenger and freight rates. Any one now shipping a bale of cotton, a bushel of corn, of peanuts, a ton of fertilizer, of cotton seed meal, a car of lime or brick, lumber, wagons, in fact, any article of common production, consumption and use can ship same at a less rate than formerly.

The Railroad Commission acting under a statute you have enacted has secured reduced express rates so that any one shipping a coop of chickens, a crate of eggs, a kid or a lamb, fruit or vegetables, now pays a less rate. All this will encourage the consumer and multiply the number of producers and prove of great advantage to shipper and carrier alike. It will also encourage manufacture of every kind. It is impracticable to manufacture successfully raw material such as cotton, lumber, iron and steel into commercial products unless we have an equitable freight rate to assemble the raw material, and also an equitable freight rate for its distribution. Nothing so suppresses manufacture of every description as a high local freight rate. It has been the unfortunate policy of our public service corporations to charge high local rates on raw material, giving advantages to the interstate freight rate on raw material; making it more feasible to ship products of the State out of the State for manufacture, and to ship manufactured products from without the State into the State for local consumption. These things your laws attempt to regulate in favor of the State, and, if carried out in the proper spirit by both carrier and shipper, will work for the good of all alike. The Federal Circuit Court of Appeals at New Orleans has decided that an injunction of your laws regulating and reducing freight and passenger rates on an ex parte statement of a public carrier is improvident and wrong; that it is safer for all parties concerned that a trial of your laws should come to the Federal Supreme

Court through the State courts rather than through the Inferior Federal Court; that ready and quick injunctions on ex parte statements are reprehensible.

You have wisely provided a method whereby, if at any time the Legislature or Railroad Commission makes a rate, either express, passenger or freight, that the public carrier deems unfair and destructive to its interest, the question may be taken to the State court and thence to the Federal Supreme Court. This has been our contention as the best method of governing the rights of the shipper and the carrier and protecting the individuality and rights of the State. Your rates are now in force, and most of the railroads have accepted them and dismissed their suits, but the L. & N., N. C. & St. L., Central, and Western Railroads are still contesting these rates before the Inferior Federal Court. This, in face of the fact, that the State administration and the Railroad Commission have assured these railroads, through the press and otherwise, that they would meet them in a spirit of adjustment and settlement, and would arrange inequalities and oppressions, if there be any; thus settling outside of the courts every contention and removing whatever friction there might be between carrier and shipper. So far this amity and equity on the part of the State has been rejected.

We are asking for further appropriation, to be used, if need be, to protect the State along this line. There is no question that a settlement by the State with the Southern, the A. G. S., the M. & O., the Seaboard, the Atlantic Coast Line, the Frisco, the Northern Alabama, and the A. B. & A. Railroads, and the decision of the Circuit Court of Appeals maintaining the integrity of your legislation, have been worth many times the trouble and money so far expended. There is nothing more dangerous to the interest and integrity of the State than to have the people defenseless should any corporation or individual attempt to hector or dominate the State. The State should always be in position to maintain a firm stand in carrying out its statutes and in enforcing the protection of the citizen.

You created the following new officers and made appropriation for the expenses of the same.

State Game and Fish Commissioner-----	\$2,500
Two State Tax Commissioners-----	5,400
Inspector of Jails, Cotton Mills, etc.-----	2,400
Director of Cotton Statistics Bureau-----	1,500

EXPENDITURES.

Your appropriations and expenditures have fructified every interest in the State. While a deficit will be created, the Parable of the Talents will be rendered in our midst. You have put the money out at usury, and with that usury you bring to every interest and every citizen the highest returns.

Would you recall the money appropriated to the State Board of Health; to the Soil Survey; to the Live Stock Board; to the Medical College at Mobile? Would you recall the establishment of the law and equity courts; the higher pay for the judiciary? Would you recall the increased appropriations for the insane; for the Institute for the Deaf, for the Boys' Industrial School? Would you recall the money for the Agricultural Schools; the Normal Schools; for the county High Schools; for the Girls' Industrial, the Polytechnic and the University? Would you recall the money for the rural school buildings and for the maintenance of the rural schools? Would you recall the money for the old soldiers? These in a large measure have been your expenditures.

It is true that the appropriations were made after careful study of the condition of the Treasury, and the future of the State, and it was not then thought that a deficit would be created.

The State wide prohibition bill occasioned the loss of revenue derived from the whiskey license, and it is largely responsible for the coming deficit in the Treasury. But this money is well lost, and the State should rejoice that we have cut loose from a revenue that comes from licensing the liquor traffic. Our convict camps show that a large per cent of the inmates are there because of the use of liquor. As Governor I have come in contact with the wives, mothers and children of these convicts,

and have had forcibly impressed upon me the terrible results of the whiskey habit in its worst form. While originally I was a local optionist, I now believe that every power of the State should be used to exterminate the evils of intemperance. Some have said that the jails and penitentiaries have always been filled with this class of inmates. This is true, but it is also equally as true that they will continue to be thus filled as long as we allow the sale of liquor in our midst. Your determination to protect the women and children and the future generations of the State by the State wide prohibition bill, to decrease the criminal records and to increase one thousand fold the chances for higher and better citizenship, is worthy of high commendation. It is true we have some citizens who will always drink, and some who will always sell liquor. It is equally true that the future motherhood of the land and the future children should be protected as far as possible from this great evil.

I believe that you could have made no better investment than to cut out the revenue derived from the whiskey license; that, with temperance established, we can look forward to increased property values and to better citizenship—the accomplishment of both of which are, I think, sure prophecy. This will fill the deficit in our Treasury; will make every future of the State, both citizen and property, more secure and more prosperous. The deficit in the Treasury will come in December and will last until the first of January, and will come again next year perhaps a little earlier and will last until the tax collection returns in January. I will tide over the deficit by the method used by my predecessors in the same contingency, and I feel confident in assuring you that no harm will be done the finances or the credit of the State.

INADEQUACIES OF THE PROHIBITION LAW.

I call your attention to the fact that at the extra session when you were newly returned from the people where prohibition had been widely discussed, of your own initiative and by an overwhelming majority, you

enacted the State wide prohibition law. That statute has been found inadequate of enforcement. The evasions of the law have been many and apparently easy. In some places open defiance of the law has been manifest, and the so-called blind tiger is abroad. You should not shoot tigers with blank cartridges or bird shot. It only tends to make them more vicious. It is within your power to enact laws suppressing open, willful violations of any particular law. It is within your power, and it is your duty to the State to enact such statutes as will enable the State to carry out the execution of your State wide prohibition law. In the violation of your prohibition law it has almost come to the point when you must determine for the people whether whiskey shall dominate and control the State, or the State dominate and control whiskey. I assure you that the open, persistent despite of any law engenders serious conditions, and you had better never have touched the prohibition question unless you make the penalty for violations prompt and sure.

One of the worst features of the prohibition question is that the saloon interest and the beer and whiskey manufacturers outside of the State have invaded our State with paid agents, with money for debauching purposes, with declarations that you and all prohibitionists are fanatics, and they have attempted to yoke the whiskey interest with our Supreme Court and the Judiciary; and have tried to engender a fight on the courts by the prohibitionists. By false alarms and specious pleas they have tried to enthrall our business interests. In their greed for profit they have overlooked the fact that any sane man knows that none of their contentions can be true. They seem to be utterly regardless of what you know is the vicious effect on our people. In some sections of the State the debaucheries and violations of the whiskey seller are alarming. To stop these, Law and Order Leagues have been formed. It is a sad state of affairs when a number of citizens have to form themselves into a Law and Order League to secure the enforcement of the law.

You have provided adequate funds for the payment of a sufficient number of State officers to maintain order and prevent open violations of law. It is within your

power to compel these officers to discharge their duty in carrying out fully the mandate, as well as the spirit, of the law, or to give place to those who will. Many of our officers are conscientiously discharging their duties, and they deserve the highest commendation.

Nothing can so weaken the fibres of a State as a condition of lawlessness engendered by neglect, carelessness, or connivance of public officials paid by the public to discharge their duty, and sworn to do the same. As law-makers, you can do no higher service than to enact a statute that will establish a method of quick arraignment and trial of official delinquents. It is certainly less injurious to the body politic for a citizen to violate the law and make a dollar by it, than for an officer of the law, by connivance, carelessness or graft, to allow violations of the law simply because of supposed individual advantage, or because of the claim that public sentiment in the community is against the enforcement of the law.

You should establish a statute that would make it difficult for an officer of the law to discriminate in the execution of the law. Commercialism in a man is bad; in a woman more so; in a town, city or nation still worse; and if the officers of the law commercialize themselves, anarchy is drawing dangerously near. Certainly, the people, whether property owner, citizen, or law-maker, should get together as one man and say that this shall not be.

CONSTITUTIONAL PROVISIONS.

I again put it before you to enact a constitutional provision for the division of counties, and also for biennial sessions. This is the second extra session of the Legislature you have had, and from your experience and the experience of the State it is clear that quadrennial sessions are not well for the best interest of the people. The Legislative Department of the government has always been nearest to the people and most protective of their interest. Alabama is the only State in the Union that has quadrennial sessions of the Legislature.

There is a general demand throughout the State that the people be permitted to vote on the question whether

or not they will amend the Constitution so as to place a prohibition article in the organic law. My purpose in embodying this proposition in the call is to give you an opportunity to allow the people to pass on this very serious matter. When you enacted the State wide prohibition law, I take it, you did not intend it to be ephemeral—a statute of a day. Undoubtedly, you intended a revolution in the relation of our State to liquor, and the law was intended to fix it so that Alabama would never again have saloons or liquor licenses. Prohibition should be so disposed of that it will not be recurrent at every election, and a disturbing factor in the politics of the State. I believe you could render no greater benefit to every business interest of the State than to enable the people to settle this question once for all time. If it could be written in the Constitution, agitation would stop. The liquor interests would realize that they could not exploit their wares in Alabama. Prohibition is not an experiment. In the sections of the State where the law has been enforced great good has resulted. The United States Steel Corporation, the largest employer of labor in the world, has lately issued an order at its Pennsylvania Plant that every employee while at work shall refrain from drinking liquor, as experience has proven that temperance gives better results. Parents dislike for their sons to associate with saloon men; or their daughters with young men who drink. The wife who has a drinking husband suffers more than tongue can tell. A large proportion of the State convicts have committed crime while under the influence of drink. Whiskey has created a tragedy in every family. Is it not your duty, in legislating for the future good of the State, to give the people an opportunity to incorporate in our organic law—the Constitution—an article for driving out from every part of the State this fearful influence for crime and family destruction?

On our labors, jointly and severally, as faithful servants of the people, I invoke the blessings of Almighty God.

B. B. COMER,
Governor.

July 27, 1909.

GOVERNOR'S MESSAGE.

The above message from the governor was read and ordered spread upon the Journal.

On motion of Mr. Pitts, of Dallas, one thousand copies of the governor's message were ordered printed for the use of the members of the House.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Williams, of Barbour.

H. 1. To provide for the relinquishment of business by mutual aid or industrial associations and corporations.

Banking and Insurance.

By Mr. Williams, of Barbour.

H. 2. To amend section 4591 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Williams, of Barbour.

H. 3. To amend section 2089 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Williams, of Barbour.

H. 4. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523 and 7006 of the Code of Alabama, 1907, and to repeal section 1514 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Williams, of Barbour.

H. 5. To amend section 7424 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Urquhart.

H. 6. To authorize the larger cities of the State to adopt the commission form of government, and to provide a system for such government.

Municipal Organization.

By Mr. Fuller.

H. 7. To prohibit the printing or publication in newspapers, magazines, reviews and other publications of like kind or character, the name of any woman or girl upon whom the crime of rape or assault with intent to rape has been committed; and to prohibit the sale or distribution of such publications, containing or publishing the name of such woman or girl.

Temperance.

By Mr. Fuller.

H. 8. To amend section 7363 of the Code of Alabama, 1907.

Temperance.

By Mr. Fuller.

H. 9. To prohibit the sale, or barter, or having possession of pistols, bowie knives, dirks, brass knucks metallic knucks or slung shots.

Revision of Laws.

By Mr. Lyons.

H. 10. To make provisions for defraying the expenses of the extraordinary session of the Legislature.

Appropriations.

By Mr. Long, of Butler.

H. 11. To amend an act entitled "An act to prohibit common carriers and their officers, agents and employes, from publishing, extracting, charging or receiving any higher or greater rates of compensation for the transportation of property or passengers than that specifically designated and prescribed by statute or made the maximum rate by statute, or than that established by the railroad commission, and from refusing to receive property or passengers for transportation at such rates; to provide penalties for a violation thereof, and fix the period in which proceedings may be instituted for the recovery of such penalties, and the procedure to recover the same," approved November 23, 1907.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 12. To amend section 5520 of the Code.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 13. To appropriate the sum of fifty thousand dollars, or as much thereof as may be necesasry, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending in the federal court, or any litigation which may hereafter be instituted between the various railroads of Alabama and the railroad commission of Alabama, or other State officials.

Appropriations.

By Mr. Long, of Butler.

H. 14. To provide for and authorize appeals from any action or order of the railroad commission of Alabama reducing or increasing or refusing to increase any rates, fares or charges by common carriers for the transportation of property, freight or passengers, specifically prescribed by statute, or made the maximum rates by statute, or established by the railroad commission.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 15. To repeal an act entitled "An act to exclude from the railroad commission and the members thereof and the attorney general all power, authority or duty to enforce any rates, fares or charges, for the transportation of property or passengers which have been or which may hereafter be prescribed by statute, or made the maximum rates by statute, or any law now existing or which may hereafter be enacted prescribing such rates, fares or charges which have been or may hereafter be established by the railroad commission's orders establishing the same, and all power and authority to instruct, direct or request the attorney general to institute any legal proceedings to enforce such rates, fares, charges, statutes or orders," approved November 23, 1907.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 16. To repeal an act entitled "An act to prohibit railroads and other common carriers, or terminal companies or other companies or persons controlling access to passenger trains from preventing access to regular

trains carrying passengers by the use of fences, gates, bars, or by any means whatsoever by any person desiring to take passage on said trains between points within this State when such person has offered to purchase a ticket at the rate prescribed by statute, or fixed by the railroad commission, and the sale of such ticket at such rate has been refused; to prescribe the penalty for violations thereof, the period within which proceedings may be instituted to recover such penalties and the procedure for the recovery of the same," approved December 3, 1907.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 17. To amend section 4 of an act approved November 23, 1907, entitled "An act to amend sections 5, 29, 35, 41 and 52 of an act of the Legislature of Alabama entitled an act to create a railroad commission to be known as the railroad commission of Alabama, define its duties and powers, and to provide for its mode of procedure, and prescribe penalties for violation of its orders, approved February 23, 1907."

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 18. To repeal an act entitled "An act to make railroad corporations and other common carriers liable in damages to passengers or persons desiring to become passengers for refusing to carry such persons between points in this State at which regular stops are made to take on and let off passengers at the rate or fare which has been or may hereafter be prescribed by statute, or the rate which has been or may hereafter be established by the railroad commission; to authorize actions to recover said damages and prescribe the period within which such actions may be brought and the procedure," approved Dec. 3, 1907.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 19. To amend section 5556 of the Code.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 20. To repeal "An act to authorize the recovery of damages by any person who has been ejected from any regular passenger train, or any railroad in this State for refusal to pay a greater or higher rate of fare than that prescribed by statute or by the railroad commission and to prescribe the period within which such action may be brought," approved Dec. 3, 1907.

Commerce and Common Carriers.

By Mr. Carmichael, of Colbert.

H. 21. To promote temperance and suppress the evils of intemperance; to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes or devices therefor; and to prohibit the manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and beverages, the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

Temperance.

By Mr. Carmichael, of Colbert.

H. 22. To authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies.

Banking and Insurance.

By Mr. Rushton.

H. 23. To provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act.

Banking and Insurance.

By Mr. Rushton. (With notice and proof.)

H. 24. To legalize and to authorize and instruct the county treasurer of Crenshaw county, Alabama, to pay warrant number 34 and warrant number 80 issued by the court of county commissioners of said county at the August term, 1898, and August term, 1899, of said court for forty-two dollars and ninety-four dollars respectively, with interest thereon from the date of issuance out of any money in the treasury not otherwise appropriated, which warrants were duly filed and registered by the county treasurer of said county on the 11th day of August, 1898, and the 17th day of August, 1899, respectively.

Local Legislation.

Notice and proof H. 24:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at the next special session called to by the governor to authorize and to instruct the county treasurer of Crenshaw county, Alabama, to pay to the holder thereof with interest thereon from date of issuance out of any money in the treasury not otherwise appropriated warrant No. 34 issued by the commissioners' court of said county for forty-two dollars at the August term, 1898, of said court. Also warrant No. 80 issued by said court at the August term, 1899, of said court for ninety-four dollars.

The State of Alabama, }
Crenshaw County. }

Personally appeared before me, M. N. Rushton, a Notary Public in and for said State and county, J. C. McLendon, who being by me duly sworn says on oath that he is the editor and proprietor of the Luverne Journal, a newspaper published in Crenshaw county, Alabama, and that the foregoing printed notice was published by him in said Luverne Journal once a week for four consecutive weeks.

J. C. McLENDON.

Subscribed and sworn to before me this 23rd day of July, 1909.

M. N. RUSHTON, Notary Public.

By Mr. Rushton.

H. 25. To require all fire insurance companies transacting business in this State to report losses to the insurance department.

Banking and Insurance.

By Mr. Rushton.

H. 26. To amend sections 4581 and 4582 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Parker.

H. 27. To fix and regulate the right of voting of each stockholder in corporations organized under the laws of Alabama.

Corporations.

By Mr. Garner.

H. 28. To amend section 632 of the Code of Alabama.

Judiciary.

By Mr. Garner.

H. 29. To amend section 1996 of the Political Code of the State of Alabama for the relief of needy confederate soldiers and sailors, resident citizens of the State of Alabama and their widows, putting the words "one thousand dollars" in said section where the words "four hundred dollars" now appears.

Appropriations.

By Mr. Garner.

H. 30. To prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for violations of the terms of this act under affidavit and warrant or information, and without indictment.

Local Legislation.

By Mr. Lancaster.

H. 31. To amend section 4559 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Lancaster.

H. 32. To fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations.

Banking and Insurance.

By Mr. Lancaster.

H. 33. To make an appropriation for the payment of expenses incurred in publication of the proclamations of governor on the three constitutional amendments voted on at the election held in this State on Nov. 3, 1908.

Appropriations.

By Mr. Henley.

H. 34. To repeal sections 4606, 4607, 4608, 4609, and 4610 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Henley.

H. 35. To authorize the courts of county commissioners or boards of revenue of the several counties of the State to transfer to the general funds of the county any surplus of the fine and forfeiture fund.

Local Legislation.

By Mr. Bulger.

H. 36. To authorize and empower the commissioners' court of the several counties of this State to make appropriation out of the county treasury for the completion or the construction or to aid in the construction of the county high school buildings, that are or may be located in the several counties of this State; and to supplement any funds that may be appropriated and set apart to pay the costs and expenses of carrying on the schools.

Education.

By Mr. Bulger.

H. 37. To exempt ex-confederate soldiers from the payment of State, county and beat hunting license as now required by law in this State.

Ways and Means.

By Mr. Ragsdale. (With notice and proof.)

H. 38. To create and establish out of the counties of Jefferson, Tuscaloosa, Bibb and Shelby a new county to be called "Pettus," and to define the boundaries thereof.
Counties and County Boundaries.

Notice and proof H. 38:

The State of Alabama, }
Jefferson County. }

Before me, the undersigned authority, in and for the county of Jefferson and State of Alabama, personally appeared Wm. H. H. Judson, who being by me first duly sworn, deposes and says on oath, that he is editor of "The Bessemer Weekly," a weekly newspaper published at Bessemer, in Jefferson county, Alabama, and that the following notice was published in the said newspaper for four consecutive weeks towit: in the issues of said paper published respectively, on May 29th, June 5th, June 12th and June 19th, 1909, towit:

To Whom it May Concern:

You will take notice that at the next session of the Legislature of the State of Alabama, whether it is an extraordinary or regular session, an application will be made for the passage of a law to create a new county out of portions of Jefferson, Tuscaloosa, Bibb and Shelby counties, which new county shall be called "Pettus," and to define and fix the boundaries of said new county.

This May 27, 1909.

WM. H. H. JUDSON.

Sworn to and subscribed before me this the 28th day of June, A. D., 1909.

W. S. WELCH,
Notary Public.

The State of Alabama, }
Tuscaloosa County. }

Before me, the undersigned authority, in and for the county of Jefferson and State of Alabama, personally appeared John Wills, who being by me first duly sworn, deposes and says on oath, that he is publisher of "Tuscaloosa Times-Democrat," a weekly newspaper published at Tuscaloosa, in Tuscaloosa county, Alabama, and that the following notice was published in the said

newspaper for four consecutive weeks towit: in the issues of said paper published respectively on May 28th, June 4th, June 11th and June 18th, 1909, towit:

To Whom it May Concern:

You will take notice that at the next session of the Legislature of the State of Alabama, whether it is an extraordinary or regular session, an application will be made for the passage of a law to create a new county out of portions of Jefferson, Tuscaloosa, Bibb and Shelby counties, which new county shall be called "Pettus," and to define and fix the boundaries of said new county.

June 24.

JOHN WILLS, Publisher.

Sworn to and subscribed before me this the 12th day of July, A. D., 1909.

R. T. NABORS,
Notary Public.

The State of Alabama, }
Bibb County. }

Before me, the undersigned authority, in and for the county of Bibb and State of Alabama, personally appeared Ada Jenkins, who being by me first duly sworn, deposes and says on oath, that she is the foreman of "The Centreville Press," a weekly newspaper published at Centreville, in Bibb county, Alabama, and that the following notice was published in the said newspaper for four consecutive weeks towit: in the issues of said paper published respectively on June 3rd, June 10th, June 17th and June 24th, 1909, towit:

To Whom it May Concern:

You will take notice that at the next session of the Legislature of the State of Alabama, whether it is an extraordinary or regular session, an application will be made for the passage of a law to create a new county out of portions of Jefferson, Tuscaloosa, Bibb and Shelby counties, which new county shall be called "Pettus," and to define and fix the boundaries of said new county.

This May 27th, 1909.

ADA JENNINGS.

Sworn to and subscribed before me, this the 6th day of July, A. D., 1909.

L. H. NUNNELEE,
Register in Chancery.

The State of Alabama, }
 Shelby County. }

Before me, the undersigned authority, in and for the county of Shelby and State of Alabama, personally appeared J. A. McKnight, who being by me first duly sworn, deposes and says on oath, that he is editor of "The Shelby County Sentinel," a weekly newspaper published at Columbiana, in Shelby county, Alabama, and that the following notice was published in the said newspaper for four consecutive weeks to wit: in the issues of said paper published respectively, on June 3rd, June 10, June 17 and June 24th, 1909, to wit:

To Whom it May Concern:

You will take notice that at the next session of the Legislature of the State of Alabama, whether it is an extraordinary or regular session, an application will be made for the passage of a law to create a new county out of portions of Jefferson, Tuscaloosa, Bibb and Shelby counties, which new county shall be called "Pettus," and to define and fix the boundaries of said new county.
 June 24.

J. A. MCKNIGHT.

Sworn to and subscribed before me, this the 5th day of July, A. D., 1909.

ANNIE FINLEY,
 Notary Public.

By Mr. Haley.

H. 39. To amend section 7325 of the Code of 1907.
 Revision of Laws.

By Mr. Haley.

H. 40. To amend section 6902 of the Code of 1907.
 Game, Fish and Forestry Preservation.

By Mr. Haley.

H. 41. To authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the

issue of such bonds, and to regulate the issue, execution, sale and security of such bonds.

Municipal Organization.

By Mr. Glover.

H. 42. To amend section 7325 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Glover.

H. 43. To amend section 7324 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Glover.

H. 44. To amend section 6264 of the Code of 1907.

Judiciary.

By Mr. Glover.

H. 45. To submit to the qualified electors of the State of Alabama, for their consideration at the next general election, an amendment of section 96, article IV, of the constitution.

Judiciary.

By Mr. John.

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the journals, required by the constitution and to provide a competent examiner of the journals and prescribe his duties and pay.

Judiciary.

By Mr. John.

H. 47. To prohibit the sale, or barter, or letting to hire, or having possession of small pistols.

Revision of Laws.

By Mr. John.

H. 48. To prohibit the sale, or barter, or letting to hire, or having possession of a bowie knife, dirk, or knife of like kind, brass knuckles or metal knuckles, slung shot, or a gun silencer, by whatever name called.

Revision of Laws.

By Mr. John.

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establish-

ments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

Mining and Manufacturing.

By Mr. John.

H. 50. To require parents of, and persons standing in the parental relation to, children over seven and under fourteen years old to send them to school, during the time the public school is taught.

Education.

By Mr. John.

H. 51. To amend section 2621 of the Code of Alabama of 1907, by extending its provisions to the chancery court and giving the chancery court power to act at its discretion without any written consent of any person intersted whomsoever.

Judiciary.

By Mr. John.

H. 52. To prohibit the casting, or throwing by blasting or otherwise, of stone, earth, or pieces of wood, iron ore of any kind, or other ponderable material, or thing, upon the premises of another; or into or upon the public highways, or public places.

Judiciary.

By Mr. John.

H. 53. To amend section 3793 of the Code of Alabama of 1907, by adding thereto a subdivision numbered 7.

Judiciary.

By Mr. John.

H. 54. To amend sections 6450, 6456 and 6463, of the Code of Alabama.

Judiciary.

By Mr. John.

H. 55. To provide for the filling of any vacant office of the State, or any county, or any municipality, when there is no provision of law for filling such vacancy.

Judiciary.

By Mr. John.

H. 56. To amend section 6733, article 4, of the Code of Alabama, 1907.

Judiciary.

By Mr. John.

H. 57. To amend section 1364 of the Code.

Judiciary.

By Mr. John.

H. 58. To amend section 3487 of the Code of Alabama (1907).

Judiciary.

By Mr. McCrory.

H. 59. To amend section 7189 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Peete.

H. 60. To educate the children of Alabama on the evils of intemperance.

Temperance.

By Mr. Peete.

H. 61. To prohibit the display of nude pictures of a man, woman or girl in any public place, except art galleries.

Temperance.

By Mr. Ballard of Pike.

H. 62. To prohibit misrepresentations, rebating and discriminations by life insurance companies and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

Banking and Insurance.

By Mr. McMillan.

H. 63. To amend section 4557 of the Code of Alabama of 1907.

Banking and Insurance.

By Mr. McMillan.

H. 64. To amend section 4558 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Mastin.

H. 65. To provide for license tax of one dollar on each dog over the age of three months kept in the State

of Alabama; to authorize the collection of the same, and the issuance of license; to prescribe penalties for the violation of provisions of said act, and disposition of fines collected therefor and for the disposition of the license taxes.

Ways and Means.

By Mr. Hughes.

H. 66. To amend section 7803 (5538) of the Criminal Code of Alabama, 1907.

Judiciary.

ADJOURNMENT.

On motion of Mr. Pitts, of Dallas, the House adjourned until 11 o'clock tomorrow morning.

SECOND DAY.

House of Representatives,

MONTGOMERY, Ala., Wednesday, July 28, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Henry T. Johnson, of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs. Speaker	Arrington	Baltzell
Alford	Avery	Barton
Altman	Ballard (Autauga)	Benners
Arnold	Ballard (Pike)	Benson

Bloch	Lacy (Dallas) *	Price
Brown	Lacy (Walker)	Pugh
Bulger	Lancaster	Ragsdale
Cannon	Lawson	Rainer
Carmichael	Lee (Barbour)	Rattray
Coleman	Lee (Etowah)	Rice
Cooper	Lee (Houston)	Rowe
Cranford	Long (Butler)	Rushton
Crum	Long (Morgan)	Sample
Cunningham	Lyons	Sanders
Doyie (Clark)	Malone	Sanford
Doyle (Marengo)	Maner	Seale
Dudley	Mastin	Sherrod
Edwards	Mayfield	Smith (Elmore)
Elrod	Middleton	Smith (Etowah)
Fuller	Mitchell	Smith (Lee)
Garner	Moore	Stollenwerck
Glover	McCrary	Tarrant
Gunter	McCurdy	Thompson
Haley	McDuffie	Tunstall
Henley	McMillan	Turner
Hoffman	Norville	Urquhart
Hughes	Oliver	Vann
Jenkins	Parker	Wittmeier
John	Pearson	White (Lamar)
Johnson	Peete	White (Perry)
Jones	Pitts (Dallas)	Williams (Barbour)
Killen	Pitts (Perry)	Williams (Lee)
King	Powell (Bullock)	Woolf
Kirby	Powell (Covington)	
Kornegay	Pratt	

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A quorum was present.

JOURNAL.

Mr. Smith, of Lee, chairman of the standing committee on the Revision of the Journal, made the following report:

REPORT OF COMMITTEE ON REVISION OF JOURNAL.

Mr. Speaker :

Your committee on the Revision of the Journal beg leave to report as follows :

We have examined the Journal for the first day and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the first day was approved.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. J. F. Thompson of Bibb, Hon. Jno. B. Ward, of Henry, Hon. Escar Floyd, of Jefferson, and Hon. S. J. Griffin, of Cullman, for today.

STANDING COMMITTEE APPOINTMENTS.

The speaker of the House announced the following standing committee appointments and changes :

Mr. Cunningham to succeed Mr. Hughston on Ways and Means. Mr. Cunningham to succeed Mr. Hughston on Privileges and Elections. Mr. Cunningham to succeed Mr. Hughston on Military. Mr. Cunningham to succeed Mr. Hughston on Claims and Fees.

Mr. Hughes to succeed Mr. Smith, of Franklin, on Education. Mr. Hughes, to succeed Mr. Smith, of Franklin, on Mining and Manufacturing. Mr. Hughes to succeed Mr. Smith, of Franklin, on Military. Mr. Hughes on Public Health.

Mr. Tarrant to succeed Mr. Lovelady on Ways and Means. Mr. Tarrant to succeed Mr. Lovelady on Education. Mr. Tarrant to succeed Mr. Lovelady on Temperance.

Mr. Mayfield to succeed Mr. Smith, of Franklin, on Temperance. Mr. Mayfield to succeed Mr. Power on Corporations. Mr. Mayfield to succeed Mr. Coleman, of

Lowndes, on Public Health.

Mr. McCurdy to succeed Mr. Coleman, of Lowndes, on Privileges and Elections. Mr. McCurdy to succeed Mr. Weaver on Corporations. Mr. McCurdy to succeed Mr. Coleman, of Lowndes, on Public Roads and Highways. Mr. McCurdy to succeed Mr. Weaver on Revision of Laws.

Mr. Wittmeier to succeed Mr. Weaver on Privileges and Elections. Mr. Wittmeier to succeed Mr. Lovelady on Public Health. Mr. Wittmeier to succeed Mr. Goodwyn on Local Legislation. Mr. Wittmeier to succeed Mr. Power on Revision of Laws.

Mr. Williams, of Lee, to succeed Mr. Power on Education. Mr. Williams, of Lee, to succeed Mr. Power on Agriculture. Mr. Williams, of Lee, to succeed Mr. Smith, of Franklin, on Enrolled Bills.

Mr. Stollenwerck to succeed Mr. Goodwyn on Judiciary. Mr. Stollenwerck to succeed Mr. Goodwyn on Temperance. Mr. Stollenwerck to succeed Mr. Goodwyn on Capitol and Grounds. Mr. Stollenwerck to succeed Mr. Goodwyn on Public Buildings and Institutions.

Mr. Sample to succeed Mr. Weaver on Federal Relations.

Mr. Vann, chairman of the committee on Public Buildings and Institutions to succeed Mr. Goodwyn.

REPORT OF RULES COMMITTEE.

Mr. John, from the standing committee on Rules, returned to the House the following resolutions, with a favorable report.

H. R. 10. (Rules Committee.) Resolved by the House, That nothing shall appear on the back of a bill when introduced in the House except the name of the member introducing the same. If the bill is a local bill and accompanied by notice and proof the words "Notice and Proof" shall be written directly under the name of the representative introducing the bill.

And the resolution was adopted.

H. R. 11. (Rules Committee.) Resolved, That the clerk of the House erase from the back of all bills, all endorsements placed there by members except the name of the member introducing bills and the words "notice and proof."

And the resolution was adopted.

H. R. 12. (Rules Committee.) Resolved, That the following committees shall be entitled to a clerk during the special session of the Legislature:

Judiciary, Revision of Laws, Commerce and Common Carriers, Temperance, Local Legislation, Revision of the Journal, Rules, Engrossed Bills and Enrolled Bills. Appropriations and Ways and Means, one clerk for both.

And the resolution was adopted.

H. R. 13. (Rules Committee.) Resolved, That after today the House shall convene at 10:30 o'clock and adjourn at one o'clock.

And the resolution was adopted.

RESOLUTION.

Mr. Rushton offered the following resolution, which was read one time and referred to the standing committee on Rules:

By Mr. Rushton.

H. R. 14. Resolved, That the committee on banking and insurance be allowed a clerk.

REPORTS OF STANDING COMMITTEES.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 47. (With Amendment). To prohibit the sale, or barter, or letting to hire, or having possession of small pistols.

Mr. Lyons, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report.

H. 10. To make provisions for defraying expenses of the extraordinary session of the Legislature.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 22. To authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies.

H. 23. To provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act.

H. 25. To require all fire insurance companies transacting business in this State to report losses to the insurance department.

H. 31. To amend section 4559 of the Code of Alabama, 1907.

H. 32. To fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations.

H. 59. To amend section 7189 of the Code of Alabama, 1907.

H. 62. To prohibit misrepresentations, rebating and discriminations by life insurance companies, and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

Mr. John, chairman of the standing committee on Judiciary reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 51. To amend section 2621 of the Code of Alabama of 1907, by extending its provisions to the chan-

cery court and giving the chancery court power to act at its discretion without any written consent of any person interested whomsoever.

H. 55. To provide for the filling of any vacant office, of the State or county, or municipality, when there is no provision of law for filling such vacancy.

H. 28. To amend section 632 of the Code of Alabama.

H. 66. To amend section 7803 (5538) of the Criminal Code of Alabama, 1907.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report.

H. 9. To prohibit the sale, or barter, or having possession of pistols, bowie knives, dirks, brass knucks, metallic knucks, or slung shots.

H. 39. To amend section 7325 of the Code of 1907.

H. 43. To amend section 7324 of the Code of Alabama of 1907.

H. 42. To amend section 7325 of the Code of Alabama of 1907.

H. 48. To prohibit the sale or barter, or letting to hire, or having possession of a bowie knife, dirk, or knife of like kind, brass knuckles, or metal knuckles, sling shot, or a gun silencer, by whatever name called.

Mr. John, chairman of the standing committee on Judiciary reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report.

H. 44. To amend section 6264 of the Code of 1907.

H. 56. To amend section 6733, article 4, of the Code of Alabama, 1907.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Long, of Butler.

H. 67. To amend sections 1, 5, 8 and 30, of an act entitled "An act to regulate railroads and other common carriers; to secure reasonable rates and adequate service, and to prevent unjust discrimination in their public service, and prescribe penalties for the violation thereof," approved February 23, 1907.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 68. To require all clerks of courts of record within this State to make annual reports to the State treasurer of all witness fees collected by them more than two years preceding the date of such report which have not been disbursed by them as provided by law, and to pay into the State treasury annually upon the submission of such report all witness fees collected by them for more than two years preceding the filing of such report, which have not been paid out to the persons lawfully entitled thereto; and to provide for the escheat to the State of all witness fees which have not been or shall not hereafter be claimed by the persons legally entitled thereto within six years from the date of the collection thereof, and to provide for the payment by all clerks of courts of record in this State to their several successors in office of witness fees in their hands at the time of the expiration of their several offices and to provide for the discharge of all liability on the part of such clerks upon the expiration of their several terms of office for all witness fees in their hands which shall be paid over to their several successors in office, or to the treasurer of the State of Alabama.

Judiciary.

By Mr. Arrington.

H. 69. To fix the time of holding the circuit court of Coffee county at Enterprise, Alabama.

Judiciary.

By Mr. Rushton.

H. 70. To amend section 4588 of the Code of Alabama, 1907.

Banking and Insurance.

By Mr. Pitts, of Dallas.

H. 71. To amend section 6572 of the Code of 1907.
Revision of Laws.

By Mr. Pitts, of Dallas.

H. 72. To amend section 7718 of the Code of 1907.
Revision of Laws.

By Mr. Pitts, of Dallas. (With Notice and Proof.)

H. 73. To provide for license tax of one dollar on each dog over the age of four months kept in Dallas county, Alabama; to authorize the collection of the same, and the issuance of license, to prescribe penalties for the violation of provisions of said act, and the disposition of fines collected therefor, and for the disposition of the license taxes.

Local Legislation.

Notice and proof:

NOTICE.

Notice is hereby given that at the next extra session of the Legislature of Alabama, to be holden during the year 1909, a bill will be introduced the substance of which will be to provide for a license tax of one dollar on each dog over the age of four months, kept in Dallas county, Ala., and to authorize the probate judge of said county to collect such license tax and to issue such license tax; to require every person to furnish to the assessor at the time appointed in each precinct for receiving assessments of taxes, list under oath of all dogs owned by such person or kept or harbored on the premises of such person; to require the assessor in a book kept for that purpose to keep a record of all such lists; to make it a misdemeanor to own, keep or harbor a dog about one's premises upon which no license has been paid, or which has not been listed as aforesaid owning or having or harboring a dog on one's premises and failing to furnish said list; to authorize and require the probate judge to issue such license and to charge a fee

not exceeding twenty-five cents therefor; to keep a record of the same; examine said list of taxes kept in the assessor's office and report the names of all persons thereon who have failed to procure such license to the city or circuit court whenever grand jury is impanelled thereon; to provide that any person violating any of the provisions of said law shall be punished by fine of not less than two or more than five dollars; to provide that said license and at least one dollar of each fine shall be deposited in the county treasury to the account of the dog fund; that a portion of said fund shall be applied to the following purposes: to the reimbursement of any cost or expense incurred by any one in taking treatment for hydrophobia, said person having been bitten in said county by any dog suspected or supposed to be afflicted with said disease; to the suppression and isolation of tuberculosis in said county and the treatment of indigents afflicted with said disease, said payments to be made upon the requisition of the health officer of Dallas county; the residue of said funds or so much thereof as may be necessary to be applied to the assistance of indigent, needy confederate soldiers; all such payments to be made upon the direction of the board of county revenue, and any surplus remaining thereafter to be applied by said board to any public school interests in said county, and to provide that any person who has at the time of listing his or her dog paid the dog tax required by the city of Selma shall at said time, and under oath before said assessor, certify that he has paid said tax, shall be exempt from the tax provided for in this bill upon said dog for which he has paid tax to the city.

J. K. GRAHAM.

State of Alabama, }
County of Dallas. }

Before me Willnita Strider, a notary public in and for said county in said State personally appeared C. E. Johnson, who is known to me, and being by me first duly sworn, deposes and says that he is editor of the Selma Journal, a newspaper published in Dallas county, Alabama; that the foregoing notice was published in the

said Daily Journal for four consecutive weeks, the last publication being on the 26th day of July, 1909.

C. E. JOHNSON.

Sworn to and subscribed before me this 26th day of July, 1909.

WILLNITA STRIDER,

Notary Public, Dallas County, Ala.

By Mr. Lacy, of Dallas. (With Notice and Proof.)

H. 74. To amend an act entitled "An act to establish the court of county revenues for Dallas county, approved February 8th, 1901."

Judiciary.

Notice and proof:

NOTICE.

In accordance with the law in such cases made and provided, notice is hereby given that a bill will be introduced at any called or special session of the Legislature of the State of Alabama, which may be called or had during the year 1909, to amend the act entitled "An act to amend an act entitled an act to establish the court of county revenues for Dallas county, approved February 19th, 1876," such amendment to provide in substance, that the qualified election of voters of each district from which such commissioner is elected, shall have the powers and rights to nominate such commissioner from such district under such rules and regulations as the democratic executive committee of Dallas county may prescribe; it being intended by such bill that the qualified voters or electors of each separate district shall nominate the candidate for commissioner from such district under rules and regulations prescribed by the democratic executive committee of Dallas county.

W. J. ROUNTREE,

Chairman of the Democratic Executive

Committee of Dallas County.

The State of Alabama, }
Dallas County. }

Before me, P. J. Loughlin, a notary public in and for said county, in said State, personally appeared R. E. L.

Neil, who is known to me, and being duly sworn doth depose and say that he is the editor and publisher of the Selma Times a newspaper published in Dallas county, Alabama, and that the foregoing notice was given by publication in said newspaper once a week for four consecutive weeks; that the first publication of said notice was given on the 2nd day of July, 1909, and the last notice was given on the 23rd day of July, 1909, and that the foregoing is a correct copy of said notice as published.

R. E. L. NEIL.

Sworn to and subscribed before me this the 25th day of July, 1909.

P. J. LOUGHLIN,

Notary Public in and for Dallas County, Ala.

By Mr. Lancaster.

H. 75. To amend section 3549 of the Code of Alabama.

Banking and Insurance.

By Mr. Lancaster.

H. 76. To provide a fund for the compensation and expenses of the assistant bank examiners.

Banking and Insurance.

By Mr. Lancaster.

H. 77. To amend section 3542 of the Code of Alabama.

Banking and Insurance.

By Mr. Lancaster.

H. 78. To amend section 3538 of the Code of Alabama.

Banking and Insurance.

By Mr. Vann.

H. 79. To regulate the sale of food and drugs in the State of Alabama and to provide penalties for the violation thereof.

Public Health.

By Mr. Benners. (With Notice and Proof.)

H. 80. To repeal an act entitled "An act to provide for the working of the public roads of Hale county, Alabama, for levying a tax for the same and how same shall be expended," approved August 7th, 1907.

Local Legislation.

Notice and proof:

NOTICE.

Of intention to introduce a local bill for Hale county, Ala., in the Legislature of Alabama and proof of such notice:

Notice is hereby given that there will be introduced in the Legislature of the State of Alabama at its next session, regular or special, a bill providing for the repeal of that certain act of the Legislature approved August 7, 1907, entitled, "An act to provide for the working of the public roads of Hale county, Alabama, for levying a tax for the same and how the same shall be expended.

State of Alabama, }
Hale County. }

Personally appeared before me, H. G. Benners, a notary public in and for said county and State, W. E. W. Yerby, who says upon his oath, that the notice above was published in The Greensboro Watchman, a newspaper published in said county of which affiant is the editor and publisher for four successive weeks ending on the 22nd day of July, 1909. WM. E.W. YERBY.

Sworn to and subscribed before me on this the 23rd day of July, 1909. H. G. BENNERS,
Notary Public, Hale County, Alabama.

By Mr. Benners.

H. 81. To repeal section 4337 of the Code of 1907.
Judiciary.

By Mr. Lee, of Houston.

H. 82. To amend section 3374 of the Code of Alabama.

Revision of Laws.

By Mr. Lee, of Houston.

H. 83. To amend section 3382 of the Code of Alabama.

Revision of Laws.

By Mr. Lee, of Houston.

H. 84. To make certified transcripts of validly executed conveyances which have been properly acknowl-

edged and have been of record for twenty years in a proper court of record, prima facie evidence of the execution and contents of the original, when the original has been lost or destroyed or the party offering the transcript had not the custody or control thereof.

Revision of Laws.

By Mr. John.

H. 85. To regulate *lis pendens*.

Judiciary.

By Mr. John.

H. 86. To amend sections 7632 and 7635 of the Code of 1907.

Judiciary.

By Mr. John.

H. 87. To amend section 4156 of the Code of 1907.

Revision of Laws.

By Mr. Urquhart.

H. 88. To provide for the consolidation of the various funds in the treasury of the State and regulating the manner in which appropriations shall be paid out of the consolidated fund.

Ways and Means.

By Mr. Haley. (With Notice and Proof.)

H. 89. To vacate and annul the dedication of the following described highway or part of highway in the city of Bessemer, Jefferson county, Alabama, and described according to the map and plat of the Bessemer Land and Improvement Company; that part of the alley between 7th and 8th avenues and extending from 21st to 22nd street, entirely through the block three hundred and eighty-five (385) and to close such portion of said alley as a public highway.

Judiciary.

Notice and proof:

State of Alabama,	}
Jefferson County.	

Personally appeared before me, Ben G. Perry, a notary public, in and for said county, in said State, Walter S. Gilbert, who being by me duly sworn deposes and says on oath, that he is the president and editor of the

Bessemer Workman, a newspaper published in the city of Bessemer, Jefferson county, Alabama, and affiant further says on oath, that the following printed notice pasted hereto was published once a week for four (4) consecutive weeks in said the said Bessemer Workman, namely, on June 12th, June 19th, June 26th, and July 3rd 1909.

WALTER S. GILBERT.

President and Editor of the Bessemer Workman.

Subscribed and sworn to before me on this the 22nd day of July, 1909.

BEN G. PERRY,
Notary Public.

NOTICE.

To Whom it May Concern :

Notice is hereby given that a bill will be presented to the next session of the Legislature, whether such session be special or general, and the said Legislature will be urged to enact it into a law, such bill having for its purpose the closing of a certain alley as a public highway in the city of Bessemer, namely, the alley in block 385 between 7th and 8th avenues and extending from 21st to 22nd streets, of a width of about 20 feet.

By Mr. Kirby.

H. 90. To amend an act entitled "An act to amend an act to establish a State live stock sanitary board and the office of State veterinarian in order to further protect live stock from contagious and infectious diseases, and to provide for eradicating and excluding such diseases from this State, approved August 6th, 1907.

Agriculture.

By Mr. Kirby.

H. 91. To define and regulate fraternal, beneficiary orders, associations or societies; to provide penalties and for other purposes.

Banking and Insurance.

By Mr. Hoffman.

H. 92. To amend section 4156 of the Code of 1907.

Judiciary.

By Mr. Hoffman.

H. 93. To regulate *lis pendens*.

Judiciary.

By Mr. Hoffman.

H. 94. For the relief of Frank Cazalas, Sr.

Appropriations.

By Mr. Pratt.

H. 95. To authorize a certified copy of a decree rendered by a court of competent jurisdiction of another State, relieving a non-resident minor of the disabilities of non-age, to be recorded in the probate office of any county in this State where such minor owns property, and when so recorded the said decree to have the same force and effect in this State as in the State where rendered.

Judiciary.

By Mr. Dudley.

H. 96. To amend section 3046 of the Code of 1907.

Judiciary.

By Mr. Seale.

H. 97. To appropriate the sum of twenty-five thousand dollars for the erection of a dormitory for the use of the Alabama Normal College at Livingston, to replace the one recently burned.

Education.

By Mr. Seale.

H. 98. To amend section 7421 of the Code of Alabama, of 1907.

Judiciary.

By Mr. Sanford.

H. 99. To amend section 1292 of the Code of Alabama.

Judiciary.

By Mr. Sanford.

H. 100. To regulate the sale of paints and white lead.

Judiciary.

By Mr. Fuller.

H. 101. To provide for the attendance of certain children on the public schools of this State, and to provide for the enforcement of this act and to fix a penalty for the violation thereof.

Education.

Mr. Lee, of Etowah.

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14, 1907.

Municipal Organization.

By Mr. Jenkins.

H. 103. To provide for the settlement of delinquent municipal taxes.

Municipal Organization.

On motion of Mr. Haley the clerk of the House was directed to have made for the chairman of each standing committee of the House a rubber stamp to be used for endorsing on bills the action of the committee and on motion of Mr. Haley the chairman of the Judiciary committee, Hon. Sam'l Will John, was instructed to prepare the wording for said stamp.

ADJOURNMENT.

On motion of Mr. Pitts, of Dallas, the House adjourned until 10:30 tomorrow morning.

THIRD DAY.

House of Representatives,
MONTGOMERY, Ala., Thursday, July 29, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by the Rev. W. J. Wray, of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Hughes	Pitts (Dallas)
Alford	Jenkins	Pitts (Perry)
Altman	John	Powell (Bullock)
Arnold	Johnson	Powell (Covington)
Arrington	Killen	Pratt
Avery	King	Price
Ballard (Autauga)	Kirby	Pugh
Ballard (Pike)	Kornegay	Rainer
Baltzell	Lacy (Dallas)	Rattray
Barton	Lacy (Walker)	Rice
Benners	Lancaster	Rowe
Benson	Lawson	Rushton
Bloch	Lee (Barbour)	Sample
Brown	Lee (Etowah)	Sanders
Bulger	Lee (Houston)	Sanford
Cannon	Lindsey	Seale
Carmichael	Long (Butler)	Sherrod
Coleman	Long (Morgan)	Smith (Elmore)
Cooper	Lyons	Smith (Etowah)
Cranford	Malone	Smith (Lee)
Crum	Maner	Stollenwerck
Cunningham	Mastin	Tarrant
Doyle (Clark)	Mayfield	Thompson
Doyle (Marengo)	Middleton	Tunstall
Dudley	Mitchell	Turner
Edwards	Moore	Urquhart
Elrod	McCrary	Vann
Fuller	McCurdy	Wittmeier
Garner	McDuffie	White (Lamar)
Glover	McMillan	White (Perry)
Gunter	Norville	Williams (Barbour)
Haley	Parker	Williams (Lee)
Henley	Pearson	Wolf
Hoffman	Peete	

—101

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal, made the following report :

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the second day, and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the second day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Jones for the remainder of the week.

MONTGOMERY, July 29, 1909.

Hon. A. H. Carmichael,
Speaker, House of Representatives,
Montgomery, Alabama.

Dear Sir: I transmit herewith certain House and Senate resolutions as passed by the Legislature of South Dakota and Oregon.

Very respectfully,
FRANK N. JULIAN,
Secretary of State.

The copy of the resolutions were referred to the standing committee on Federal Relations.

MEMORIAL.

Mr. Kirby presented to the House a memorial from the Madison County Law and Order League, which was referred to the standing committee on Temperance.

RESOLUTIONS.

The following resolutions were introduced, read one time and referred to the standing committee on Rules.

By Mr. Rice.

H. R. 16. Resolved, That no general bill and no resolution providing for the submission to the people of the State any amendment to the constitution shall be introduced in the House after Tuesday, the 3d day of August, 1909.

By Mr. Bloch.

H. R. 18. Resolved, That the committee on Game, Fish and Forestry Preservation, and the committee on Claims and Fees, and the committee of Mining and Manufactures be allowed a clerk, who shall serve the three said committees, and any other committee or committees having no clerks, when such clerk of the said three committees is not otherwise engaged.

REPORT OF RULES COMMITTEE.

Mr. John, of the standing committee on Rules, returned to the House the following resolutions:

By Mr. John.

H. R. 8. Resolution to amend Rule 29.

Resolved, That Rule 29 be amended so as to read:

29. When a committee has decided adversely to any bill, or resolution, such action shall be reported to the House, in the form prescribed under the constitution, and the bill, or resolution, shall be placed on the adverse calendar.

A motion may be made on any day after one day's notice immediately after the reports of standing committees to take a bill or resolution from the adverse calendar and place it on the regular calendar of the House, and if this motion prevails, the clerk must immediately enter it upon the regular calendar.

H. R. 17. (Rules Committee.) Resolved, That Rule 56 be amended so as to read as follows: 56. All bills acted upon by a standing committee, shall be endorsed as follows: "This bill having been referred by the House to its standing committee on-----, was acted upon by such committee in session, and returned therefrom to the House, with the recommendation that it be ----passed."

By Mr. Rushton.

H. R. 14. Resolved, That the committee on Banking and Insurance be allowed a clerk.

By Mr. Gunter.

H. R. 15. Resolved, That the committee on Municipal Organization be allowed a clerk.

And the resolutions were adopted.

BILLS ON SECOND READING.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 87. (With amendment.) To amend section 4156 of the Code of 1907.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 7. To prohibit the printing or publication in newspapers, magazines, reviews and other publications of like kind or character, the name of any woman or girl upon whom the crime of rape or assault with intent to rape has been committed; and to prohibit the sale or distribution of such publications, containing or publishing the name of such woman or girl.

H. 8. To amend section 7363 of the Code of Alabama of 1907.

H. 21. To promote temperance and suppress the evils of intemperance; to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes or devices therefor; and to prohibit the manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and

beverages, the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

H. 60. To educate the children of Alabama on the evils of intemperance.

H. 61. To prohibit the display of nude pictures of a man, woman or girl in any public place except art galleries.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 24. To legalize and to authorize and instruct the county treasurer of Crenshaw county, Alabama, to pay warrant number 34 and warrant number 80 issued by the court of county commissioners of said county at the August term, 1898, and August term, 1899, of said court for forty-two dollars and ninety-four dollars respectively, with interest thereon from the date of issuance out of any money in the treasury not otherwise appropriated, which warrants were duly filed and registered by the county treasurer of said county on the 11th day of August, 1898, and the 17th day of August, 1899, respectively.

H. 35. To authorize the courts of county commissioners or boards of revenue of the several counties of the State to transfer to the general funds of the county any surplus of the fine and forfeiture fund.

H. 73. To provide for license tax of one dollar on each dog over the age of four months kept in Dallas

county, Alabama; to authorize the collection of the same, and the issuance of license, to prescribe penalties for the violation of provisions of said act, and the disposition of fines collected therefor, and for the disposition of the license taxes.

H. 80. To repeal an act entitled "An act to provide for the working of the public roads of Hale county, Alabama, for levying a tax for the same and how same shall be expended," approved August 7th, 1907.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 1. To provide for the relinquishment of business by mutual aid or industrial associations and corporations.

H. 2. To amend section 4591 of the Code of Alabama, 1907.

H. 3. To amend section 2089 of the Code of Alabama, 1907.

H. 5. To amend section 7424 of the Code of Alabama, 1907.

H. 26. To amend sections 4581 and 4582 of the Code of Alabama, 1907.

H. 34. To repeal sections 4606, 4607, 4608, 4609, and 4610 of the Code of Alabama, 1907.

H. 63. To amend section 4557 of the Code of Alabama of 1907.

H. 64. To amend section 4558 of the Code of Alabama, 1907.

H. 70. To amend section 4588 of the Code of Alabama, 1907.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Lee, of Etowah, chairman of the standing committee on Education, reported that said committee in ses-

sion had acted on the following bills and ordered same returned to the House with an adverse report.

H. 50. To require parents of, and persons standing in the parental relation to, children over seven and under fourteen years old to send them to school, during the time the public school is taught.

H. 101. To provide for the attendance of certain children on the public schools of this State, and to provide for the enforcement of this act and to fix a penalty for the violation thereof.

INTRODUCTION OF BILLS.

On a call of the counties
ally read one time, and referred to appropriate standing committees, as follows:

By Mr. Fuller.

H. 104. To revoke the license or right to engage in or carry on any business, or to have any agency or place of business in this State, of any foreign corporation which is authorized by its charter, to manufacture, sell, or otherwise dispose of alcoholic, spirituous, vinous or malt liquors, or any liquor or beverage prohibited by the law of Alabama to be manufactured sold, or otherwise disposed of in this State, or which is engaged in the manufacture or sale of such liquors, or any of them, in the State of its creation or elsewhere, or which is engaged in or carries on in the State of its creation, or elsewhere, any business which is unlawful for any domestic corporation or citizen of Alabama to engage in or carry on in this State; and to prohibit the entry of such foreign corporations into this State and the grant to them by any officer of the State of Alabama of a license to engage in business of any kind or to have any agency or place of business in this State, and to prescribe penalties for the violation of this act.

Temperance.

By Mr. Arnold.

H. 105. To amend section 6902 of the Code of Alabama.

Game, Fish and Forestry Preservation.

By Mr. Middleton.

H. 106. To fix the times of holding, in each year, the circuit courts of Chilton county in the fifteenth judicial circuit of the State of Alabama, and to repeal former laws fixing the times for holding said courts.

Judiciary.

By Mr. Arrington.

H. 107. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds to aid in the location and in the construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

Municipal Organization.

By Mr. McCrory. (By request.)

H. 108. To amend section 2169 of the Code of Alabama.

Ways and Means.

By Mr. Elrod.

H. 109. To regulate the right to carry a pistol.

Revision of Laws.

By Mr. King. (With Notice and Proof.)

H. 110. To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

Local Legislation.

Notice and proof H. 110:

NOTICE.

Notice is hereby given that at the next special session of the Legislature of Alabama which will convene in the city of Montgomery on the 27th day of July, 1909, a bill will be introduced for passage, the substance of which will be:

A bill to be entitled an act to alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Birmingham in the county of Jefferson and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said city, all that territory lying within the county of Jefferson included within the boundaries herein set out, towit:

Beginning at the southwest corner of section six, township eighteen, range two west, which is a point on the present boundary line of the city of Birmingham, in Jefferson county, Alabama; thence running north along the west boundary line of said section to where same intersects the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction across the southwest quarter of southwest quarter of said section to a point on its north boundary where the east side of an alley in block eight hundred and fifty-four (854) of the Birmingham Realty Company's survey intersects the north boundary line of said quarter quarter section, thence east along said north boundary to the northeast corner of the southwest quarter of southwest quar-

ter of section six aforesaid; thence south along the east boundary line of said subdivision to its intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction along said right of way of said Birmingham Mineral railroad to a point where said right of way of said Birmingham Mineral railroad intersects with the east quarter section line of the west half of the northeast quarter of section twenty-seven, township seventeen, range two west; thence a straight line to the center of section twelve, township seventeen, south, range two west; thence in a straight line to the southeast corner of the northeast quarter of the southeast quarter of section three, township seventeen, range two west; thence in a straight line to a point where the north and south center line of section seventeen, township seventeen, south, range two west, crosses the north boundary line of the right of way of the Birmingham Mineral railroad; thence westward along the north boundary of said right of way of the said Birmingham Mineral railroad to the western boundary of the northeast quarter of the southwest quarter of section eighteen, township seventeen, south, range two west; thence north to the southeast corner of the northwest quarter of the northwest quarter of section eighteen, township seventeen, south, range two west; thence in a straight line to the southeast corner of the northeast quarter of the northwest quarter of section fifteen, township seventeen, range three west; thence in a straight line to the southwest corner of the southwest quarter of the southeast quarter of section fifteen, township seventeen, range three west; thence in a straight line along the south boundary line of said section fifteen to the southwest corner of the southeast quarter of the southwest quarter of said section fifteen; thence south in a straight line to the southwest corner of the northeast quarter of the northwest quarter of section twenty-two, township seventeen, range three west; thence west along the south boundary of said quarter section line to the southwest corner of the northwest quarter of the northwest quarter of said section twenty-two; thence south to the southwest corner of the southwest quarter of the

northwest quarter of said section twenty-two; thence west in a straight line to the northwest corner of the southwest quarter of section nineteen, township seventeen, range three west; thence south in a straight line to the southwest corner of the northwest quarter of the southwest quarter of section thirty, township seventeen, range three west; thence east in a straight line to the northeast corner of the southeast quarter of the southwest quarter of said section thirty; thence south in a straight line to the west bound track of the Birmingham Mineral railroad; thence in a southeasterly direction along the west side of the west bound track of said Birmingham Mineral railroad until the same intersects with the south boundary line of section thirty-six, township seventeen, range four west; thence west along said south boundary line to the southwest corner of the southwest quarter of the southeast quarter of said section; thence north in a straight line to the southwest corner of the northwest quarter of the southeast quarter of said section thirty-six; thence west in a straight line to the southwest corner of the northeast quarter of the southwest quarter of section thirty-five, township seventeen, range four west; thence south in a straight line to the southwest corner of the southeast quarter of the southwest quarter of section two, township eighteen, range four west; thence in a straight line east to the northwest corner of the northeast quarter of section twelve, township eighteen, south, range four west; thence south to the center of the south line of said section twelve, township eighteen, south, range four west; thence east along the south boundary line of section twelve, township eighteen, south, range four west, and the south boundary lines of sections seven, eight, nine, ten and eleven township eighteen, south, range three west, to an intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence eastward along the north line of said right of way of said Birmingham Mineral railroad to the intersection of the south boundary line of section one township eighteen, south, range three west; thence east along the south line of said section one, township eighteen, south, range three west, to the point of beginning.

Sec. 2. That the boundaries set out in section one of this act be and the same are hereby established as the corporate limits of the said city of Birmingham, and the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, shall hereafter be and constitute a part of the city of Birmingham.

Sec. 3. This act shall not go into effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 111. To vacate and annul the charter and dissolve the corporation of the city of East Lake.

Local Legislation.

Notice and proof H. 111:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacat-

ing the charter and dissolving the corporation of the city of East Lake; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909. D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 112. To vacate and annul the charter and dissolve the corporation of the city of West End.

Local Legislation.

Notice and proof H. 112:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of West End; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J.

Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 113. To vacate and annul the charter and dissolve the corporation of the city of Wylam.

Local Legislation.

Notice and proof H. 113:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Wylam; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson coun-

ty, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 114. To vacate and annul the charter and dissolve the corporation of the city of Graymont.

Local Legislation.

Notice and proof H. 114:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Graymont; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 115. To vacate and annul the charter and dissolve the corporation of the city of North Haven.

Local Legislation.

Notice and proof H. 115:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of North Haven; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 116. To vacate and annul the charter and dissolve the corporation of the city of Elyton.

Local Legislation.

Notice and proof H. 116:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Elyton; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 117. To vacate and annul the charter and dissolve the corporation of the city of North Birmingham.

Local Legislation.

Notice and proof H. 117:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the

city of North Birmingham; provided this act shall not take effect until October 1, 1909.

The State of Alabama,)
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909. D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 118. To vacate and annul the charter and dissolve the corporation of the city of Pratt City.

Local Legislation.

Notice and proof H. 118:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Pratt City; provided this act shall not take effect until October 1, 1909.

The State of Alabama,)
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and

says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 119. To vacate and annul the charter and dissolve the corporation of the city of Ensley.

Local Legislation.

Notice and proof H. 119 :

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Ensley; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909. D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 120. To vacate and annul the charter and dissolve the corporation of the city of Avondale.

Local Legislation.

Notice and proof H. 120 :

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Avondale; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909. D. N. SMITH, Notary Public.

By Mr. King. (With Notice and Proof.)

H. 121. To vacate and annul the charter and dissolve the corporation of the city of Woodlawn.

Local Legislation.

Notice and proof H. 121:

NOTICE.

Notice is hereby given that at the special session of the Legislature of Alabama, which convenes at Montgomery, on July 27, 1909, there will be introduced for passage a bill which will provide in substance, for vacating the charter and dissolving the corporation of the city of Woodlawn; provided this act shall not take effect until October 1, 1909.

The State of Alabama, }
 Jefferson County. }

Before me, D. N. Smith, a notary public, in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the publisher of the Birmingham Ledger, and that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

JAMES J. SMITH.

Sworn to and subscribed before me this 28th day of July, 1909.

D. N. SMITH, Notary Public.

By Mr. Glover.

H. 122. To define and regulate negotiable instruments.

Judiciary.

By Mr. John.

H. 123. To authorize the courts of county commissioners and the boards and courts of revenue of the several counties of this State, to make appropriations from the county funds to aid in the construction of high school buildings and to ratify and confirm all such appropriations as have heretofore been made by any such boards or courts from county funds.

Local Legislation.

By Mr. John.

H. 124. To amend section 638 of the Code of Alabama.
Judiciary.

By Mr. John.

H. 125. To amend sections 3651 and 3654 of the Code of 1907.

Judiciary.

By Mr. John. (With Notice and Proof.)

H. 126. To repeal an act to provide for the election of a solicitor for Jefferson county and define his duties, approved Nov. 27th, 1886, and to repeal all acts amending the act of November 27th 1886, and all acts relating to the office of county solicitor of Jefferson county, Alabama.

Judiciary.

Notice and proof H. 126:

NOTICE OF PROPOSED LOCAL LEGISLATION.

Notice is hereby given that at the next special session of the Legislature of Alabama a bill will be introduced in substance as follows:

"A bill to be entitled an act to repeal an act to provide for the election of a solicitor for Jefferson county and define his duties, approved November 27, 1886; and to report all acts amending the act of November 27, 1886, and all acts relating to the office of county solicitor of Jefferson county, Alabama.

"This act to become effective January 1, 1911."

State of Alabama, }
Jefferson County. }

Before me, Leska McCarty, a notary public in and for said county and State, personally appeared J. H. F. Mosley, who being first duly sworn, says on oath that, he is the manager of the Labor Advocate Publishing Company the publisher of the "Labor Advocate," a newspaper published in Birmingham, Jefferson county, Alabama, and that the notice of proposed local legislation, a copy of which is attached hereto, above, that, a bill, to be entitled an act to repeal an act to provide for

the election of a solicitor for Jefferson county and define his duties, approved Nov. 27, 1886, etc., was published in the said Labor Advocate, once a week for four consecutive weeks, before the making of this affidavit on to wit July 2d, 9, 16 and 23, 1909. J. H. F. MOSLEY,

Sworn to and subscribed before me on July 26, 1909.

LESKA MCCARTY, Notary Public.

By Mr. John. (With Notice and Proof.)

H. 127. To prescribe the duties of the solicitor of the Tenth judicial circuit, composed of the county of Jefferson, fix his compensation, provide for the necessary professional and clerical assistants and fix their salaries and provide an expense fund for the contingent expenses of the office.

Judiciary.

Notice and proof H. 127:

NOTICE OF PROPOSED LOCAL LEGISLATION.

Notice is hereby given that at the next special session of the Legislature of Alabama a bill will be introduced therein in substance as follows:

A bill to be entitled an act to prescribe the duties of the solicitor of the Tenth judicial circuit, composed of the county of Jefferson, fix his compensation, provide the necessary professional and clerical assistants and fix their salaries, and to provide an expense fund for contingent expenses of the office.

Be it enacted by the Legislature of Alabama, That the solicitor of the Tenth judicial circuit of Alabama, composed of Jefferson county, shall prosecute the pleas of the State in all of the courts held in Jefferson county, as required by section 7781 of the Code, and shall be paid a salary of three thousand dollars per annum in monthly installments on the warrant of the State auditor drawn on the State treasurer, and shall be paid an additional salary of fifteen hundred dollars per annum, in monthly installments, out of the county treasury of Jefferson county; and to enable him to properly discharge his duties he may appoint three assistant solicitors who shall

be paid an annual salary out of the treasury of Jefferson county, one of twenty-four hundred dollars, one of eighteen hundred dollars, and one of fifteen hundred dollars, who shall be learned in the law and give their whole time to prosecuting the pleas of the State of Alabama, under the direction of the circuit solicitor; and he may appoint a competent stenographer, who shall be paid out of the county treasury an annual salary of fifteen hundred dollars, in monthly installments, and who shall be authorized to appear before any grand jury organized in the county, and under the directions of the circuit solicitor take down the testimony there delivered, and shall, whenever required by the circuit solicitor, attend the trial of any State case and take down the testimony and charge, and to do any other clerical work required by the solicitor. All solicitor's fees taxed against defendants, on conviction shall be paid into the county treasury to the credit of the solicitor's fund. That there shall be set apart by the board of revenue a fund to be called the solicitor's fund, sufficient to pay all the claims against the fund for a year, and whenever there is enough to the credit of this fund to pay all claims against it for the current year, then the sum first set apart may be paid back to the general fund, and whenever there is a surplus to the credit of the solicitor's fund, this surplus shall be credited to the fine and forfeiture fund.

There shall be subject to the orders of the solicitor a sum not exceeding fifteen hundred dollars a year to pay for special services in securing evidence and procuring the attendance of witnesses, and any other necessary, extraordinary, expenses attending the due administration of the law.

The circuit solicitor shall assign an assistant solicitor to appear in any court in any cause or proceeding pending in which the State of Alabama is a party or interested in which he cannot appear, and he may assign an assistant to appear regularly in the city court of Bessemer.

This to become effective January 1, 1911.

State of Alabama, }
 Jefferson County. }

Before me, Leska McCarty, a notary public in and for said county and State, personally appeared J. H. F. Mosley, who being first duly sworn, says on oath, that he is the manager of the Labor Advocate Publishing Company, the publisher of the "Labor Advocate," a newspaper published in Birmingham, Jefferson county, Alabama, and that the "Notice of Proposed Local Legislation," a copy of which is attached hereto, above, that, a bill to be entitled an act to prescribe the duties of the solicitor of the Tenth judicial circuit composed of the county of Jefferson, fix his compensation, provide the necessary professional and clerical assistants and fix their salaries, and to provide an expense fund for contingent expenses of the office,—was published in the said "Labor Advocate" once a week for four consecutive weeks, on towit, July 2, 9, 16, and 23 1909.

J. H. F. MOSLEY.

Sworn to and subscribed before me on July 26, 1909.
 LESKA MCCARTY, Notary Public.

By Mr. John.

H. 128. To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the impanelling of grand and petit juries in all the courts of this State.

Judiciary.

By Mr. Sherrod.

H. 129. For the further protection of fish; to make it unlawful to use nets, seines, or any devices or substitutes for the same, in streams or bodies of water emptying into salt water or tide water; to provide for a closed season on bass, trout, mullet and red fish; and to limit the size of the mesh of seines used in salt water.

Fish, Game and Forestry Preservation.

By Mr. Smith, of Lee.

H. 130. To amend section 46 of the Code of Alabama.

Agriculture.

By Mr. Stollenwerck.

H. 131. To amend section 6733 of the Code of Alabama of 1907.

Judiciary.

By Mr. Long, of Morgan.

H. 132. To regulate the priority of assignments.

Judiciary.

By Mr. Seale.

H. 133. To authorize the State of Alabama to subscribe for three hundred copies of the sixth volume of Mayfield's Digest of the decisions of the Supreme Court of Alabama.

Judiciary.

By Mr. Seale.

H. 134. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said towns and cities if the licensee violates said ordinances, and power to provide for the destruction of contraband liquors.

Municipal Organization.

By Mr. Urquhart.

H. 135. To amend section 6657 of the Criminal Code of Alabama.

Revision of Laws.

By Mr. Rice.

H. 136. To regulate the assignment of or orders for wages, salary or other compensation for personal services of employes to secure loans of less than \$200.00.

Judiciary.

By Mr. Rice.

H. 137. To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintenance of structures for the public convenience on such vacated portions of streets.

Municipal Organization.

By Mr. Bloch.

H. 138. To amend section 1996 of the Code of 1907.

Appropriations.

By Mr. McDuffie.

H. 139. To regulate the possession and carrying of firearms, to provide for the payment of license tax therefor, and to prescribe punishment for violation of the provisions of this act.

Revision of Laws.

By Mr. Hoffman. (With Notice and Proof.)

H. 140. To amend section two of an act "Supplementary to an act entitled 'An act to regulate the system of public schools in the county of Mobile, approved January 16th, 1854,' " approved February 15, 1856.

Education.

Notice and proof H. 140 :

Notice is hereby given that the board of Mobile school commissioners of Mobile county will apply to the Legislature of Alabama at its next special session, if called by the governor, or to its next regular session, if a special session is not called, for the passage of the following bill in aid of the public schools of Mobile county, viz :

A bill to be entitled an act to amend section two of an act "Supplementary to an act entitled 'An act to regulate the system of public schools in the county of Mobile, approved January 16th, 1854,' " approved February 15th, 1856.

Section 1. Be it enacted by the Legislature of Alabama, That section two of an act entitled "An Act Supplementary to an act entitled an act to regulate the system of public schools, in the county of Mobile, approved February 15th, 1856, be and the same is hereby amended to read as follows :

Section 2. That the board of Mobile school commissioners be and they are hereby authorized and empowered, whenever in their judgment the success and prosperity of the public school system in said county demand it, to lay a tax not exceeding one-tenth of one per centum, upon the real and personal property of said county, as found by the latest appraisement roll of the State and county assessor, for the benefit of said schools. The tax

so levied shall be certified to the collector of State and county taxes for said county, who shall proceed to collect it in the same manner and for the same fees, as are now prescribed by law, for the collection of State and county taxes, and said collector shall deposit the same in such bank or banks in the city of Mobile as shall be selected by the board of Mobile school commissioners; and the act approved January 16, 1854, authorizing the levy of a tax on all subjects of taxation embraced in the revenue laws of the State, except licenses, to an amount equal to one-fourth of the amount levied by the commissioners of revenue of Mobile county for the county tax of Mobile county for school purposes, be and the same are hereby repealed.

State of Alabama, }
 Mobile County. }

Before me, Thos. R. Foster, a notary public in and for said county and State, personally appeared M. P. Dowling, who being by me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on, to-wit: June 9, 16, 23 and 30, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 27th day of July 1909, as witness my hand and official seal.

THOS. R. FOSTER,
 Notary Public, Mobile County, Ala.

By Mr. Hoffman. (With Notice and Proof.)

H. 141. To require the board of revenue and road commissioners of Mobile county annually to levy a special tax of not exceeding one-third of one percentum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county.

Education.

Notice and proof H. 141 :

NOTICE.

Is given that application will be made to the Legislature of Alabama at the next session (special or general) for the passage of a local or special law, and that the substance of the proposed law is: To require the county of Mobile to levy a special tax of not more than one-third of one per centum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied in said county, the same to be paid over to the board of school commissioners of Mobile county for the support of the public schools, or to such other authority as may by law be charged with the duty of maintaining said public schools.

State of Alabama, }
Mobile County. }

Before me, Thomas R. Foster, a notary public in and for said county and State, personally appeared M. P. Dowling, who being by me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on, towit: July 8, 13, 20 and 27, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 28th day of July 1909, as witness my hand and official seal.

THOS. R. FOSTER.

Notary Public, Mobile County, Ala.

By Mr. Hoffman. (With Notice and Proof.)

H. 142. To require the general council of the city of Mobile to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county, located within the corporate limits of said city.

Education.

Notice and proof H. 142:

Notice is hereby given that the board of Mobile school commissioners of Mobile county will apply to the Legislature of Alabama at its next special session, if called by the governor, or to its next regular session, if a special session is not called, for the passage of the following bill in aid of the public schools of Mobile county, viz:

A bill, to be entitled an act to require the general council of the city of Mobile to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county, located within the corporate limits of said city.

Be it enacted by the Legislature of Alabama, That it shall be the duty of the general council of the city of Mobile, as soon as practicable after its annual meeting in March, 1910, and in each year thereafter, to make annual appropriation out of its revenue and income in aid of the public schools situated within the corporate limits of said city, of such amount as said general council may deem adequate, having in mind the needs of said schools and the financial condition of said city, but not less than two dollars for each pupil over seven and under twenty-one years of age then enrolled in said schools, such appropriations to be paid to the Mobile county superintendent of education of Mobile, or to such other person as may be designated by the Mobile school commissioners of Mobile county.

State of Alabama, }
Mobile County. }

Before me, Thos. R. Foster, a notary public in and for said county and State, personally appeared M. P. Dowling, who being by me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on towit: June 9, 16, 23 and 30, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 27th day of July, 1909, as witness my hand and official seal.

THOS. R. FOSTER,
Notary Public, Mobile County, Ala.

By Mr. Hoffman. (With Notice and Proof.)

H. 143. To require the board of revenue and road commissioners of Mobile county to make annual appropriations out of its revenues and income in aid of the public schools of Mobile county.

Education.

Notice and proof H. 143:

Notice is hereby given that the board of Mobile school commissioners of Mobile county will apply to the Legislature of Alabama at its next special session, if called by the governor, or to its next regular session, if a special session is not called, for the passage of the following bill in aid of the public schools of Mobile county, viz:

A bill to be entitled an act to require the board of revenue and road commissioners of Mobile county to make annual appropriations out of its revenues and income in aid of the public schools of Mobile county.

Be it enacted by the Legislature of Alabama, That it shall be the duty of the board of revenue and road commissioners of Mobile county, as soon as practicable after the first day of January, 1910, and of each year thereafter, to make annual appropriation out of its revenue and income in aid of the public schools in said county, of such amount as said board may deem adequate, having in mind the needs of said schools and the financial condition of said county, but not less than two dollars for each pupil over seven and under twenty-one years of age then enrolled in all of the said schools, such appropriations to be paid to the Mobile county superintendent of education of said county or to such other person as may be designated by the Mobile school commissioners of Mobile county.

State of Alabama,)

Mobile County.)

Before me, Thos. R. Foster, a notary public in and for said county and State, personally appeared M. P. Dowling, who being by me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a

week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on, to wit: June 9, 16, 23 and 30, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 27th day of July, 1909, as witness my hand and official seal.

THOS. R. FOSTER,

Notary Public, Mobile County, Ala.

By Mr. McCrory. (With Notice and Proof.)

H. 144. To create the office of county solicitor for Conecuh county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

Local Legislation.

Notice and proof H. 144:

State of Alabama, }
Conecuh County. }

Before me, A. Cunningham, a notary public in and for said county and State, personally appeared George W. Salter, Jr., who being by me first duly and legally sworn doth depose and say:

I am the editor of "The Evergreen Courant," a newspaper published at Evergreen, county of Conecuh, and State of Alabama; that the notice which is in words as follows: "Notice. Notice is hereby given that application will be made to the Legislature of Alabama at the next special session to be held beginning on the 27th day of July, 1909, for the passage of an act in substance as follows: To create for the county of Conecuh and State of Alabama, the office of county solicitor and provide for his election by the qualified electors of said county and to prescribe his qualifications and duties, and to fix his compensation as such officer nad how the same shall be paid; and to provide for the length of time which he shall hold office," has been published in "The Evergreen Courant," a newspaper published at Evergreen, in the county of Conecuh, and State of Alabama, once a week for four (4) consecutive weeks.

GEORGE W. SALTER, JR.

Subscribed and sworn to before me, this the 26th day of July, 1909.

A. CUNNINGHAM, Notary Public.

By Mr. Lindsay.

H. 145. To amend sections 546 and 547 of the Code of 1907.

Revision of Laws.

By Mr. Lindsay. (With Notice and Proof.)

H. 146. To better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor and to fix the amount of such fees.

Revision of Laws.

Notice and proof H. 146:

NOTICE.

Notice is hereby given that during the extraordinary session of the Alabama Legislature, which convenes on the 27th day of July, 1909, a bill will be introduced to better provide for the payment of State witnesses in criminal cases in the courts of Choctaw county. Said bill is as follows:

An act, to better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor, and to fix the amount of such fees.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby appropriated out of the general fund of Choctaw county, one thousand (\$1,000) dollars annually, to be used for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury, and the commissioners' court of said county is required to set aside said sum each year from the general fund of said county to be used, or so much thereof as may be necessary to be used, only for the payment of witnesses fees that ac-

crue after the passage of this act. Provided that none of said amount of one thousand dollars shall be paid out, except said payment be made direct to the witness to whom such witness certificate was issued and who is at the time of payment the owner of said certificate.

Section 2. That the amount of all State witness certificates issued in any case must, on conviction of the defendant, be taxed against the defendant and collected of him as other costs, as is provided by law, and shall be paid by the officer collecting the same into the county treasury to the credit of the general fund.

Section 3. All fines and forfeitures and other moneys that are now required to be paid into the fine and forfeiture fund of said county, or that belong to said fund or constitute a part of the same, shall continue to be paid into said fine and forfeiture fund and shall be used to pay off and discharge outstanding claims against said fund and claims accruing against said fund in the manner as now provided by law; provided, that the commissioners' court may, when there is a surplus in the fine and forfeiture fund over and above the registered claims, registered against said fund, make an order transferring such surplus to the general fund to be used in the payment of witness certificates issued to State witnesses.

Section 4. All claims and items of costs which, under existing laws, are made claims against the fine and forfeiture fund of said county, shall continue to be claims against said fund as they accrue, and shall be paid in the manner now provided by law, except the witness fees paid out of the money appropriated by this act, and this act shall not be held to repeal any existing law regulating said fund or the payment of claims against the same.

Section 5. That the fees allowed State witnesses shall be the same as is now provided, or may hereafter be provided by law.

Section 6. That all witness fees in excess of the amount hereby appropriated, and not paid in any other way, shall be claims against the fine and forfeiture fund of said county, and shall be paid out of the same in order of their registration.

Section 7. This act shall go into effect, and become operative, on and after the first day of January, 1910.

W. H. LINDSEY.

State of Alabama, }
 Choctaw County. }

Personally appeared before me, W. H. Lindsey, notary public in and for said county and State, T. G. Flowers, who being duly sworn by me, deposes and says that he is publisher of the Choctaw Advocate, a newspaper printed weekly in said county, that attached notice, being a notice of the proposal to introduce a bill in the extra session of the Legislature which convenes on July 27, 1909. To better provide for the payment of the fees of State witnesses in criminal cases in the courts of Choctaw county, Alabama, was published in said newspaper once a week for four consecutive weeks next before the 27th day of July, 1909, and that attached notice is a true and exact copy as the same was published in said paper.

THOS. G. FLOWERS.

Sworn to and subscribed before me this the 27th day of July, 1909.

W. H. LINDSEY,

Notary Public, Choctaw County, Alabama.

By Mr. Benners.

H. 147. To provide compensation to probate judges of the several counties of the State for rendering the services required under sections No. 318 and 319 of the Code of Alabama in regard to registration and certification of voters to be paid from county treasuries.

Judiciary.

By Mr. Benners.

H. 148. To repeal section 4237 of the Code of Alabama of 1907.

Revision of Laws.

MESSAGE FROM THE GOVERNOR.

Chief Executive Department,
 Alabama.

Gentlemen of the House of Representatives:

I am directed by the governor to transmit to you a message in writing with accompanying documents.

JOHN D. McNEEL, Private Secretary.

July 27th, 1909.

Gentlemen of the House of Representatives:

I herewith transmit for your consideration a copy of a resolution of Congress entitled "A Joint Resolution Proposing an Amendment to the Constitution of the United States." It comes to me officially from Hon. P. C. Knox, Secretary of State, Washington, D. C. I advise the ratification of the proposed amendment.

B. B. COMER, Governor.

July 29, 1909.

The resolution referred to in the message from the governor was read one time and referred to the standing committee on Federal Relations.

BILLS ON THIRD READING.

H. 47. To prohibit the sale, or barter, or letting to hire, or having possession of small pistols.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws. Said amendment being as follows:

Amend section 2 by adding after the words "in uniform" the words "any rural mail carrier, and any bonded constable while in the discharge of his duty."

And the amendment was adopted.

Yeas, 75; nays, 10.

Yeas:

Messrs. Speaker	Cunningham	Kirby
Altman	Doyle (Clarke)	Kornegay
Avery	Doyle (Marengo)	Lacy (Walker)
Ballard (Autauga)	Fudley	Lawson
Ballard (Pike)	Elrod	Lee (Barbour)
Baltzell	Fuller	Lee (Houston)
Barton	Garner	Lindsey
Benness	Glover	Malone
Benson	Haley	Mayfield
Brown	Henley	Mitchell
Bulger	Hoffman	Moore
Cannon	John	McCrorry
Carmichael	Johnson	McCurdy
Cooper	Killen	McDuffie
Cranford	King	McMillan
Crum		Pearson

Peete	Rowe	Tunstall
Pitts (Dallas)	Sample	Turner
Pitts (Perry)	Sanders	Vann
Powell (Bullock)	Sanford	Wittmeier
Pratt	Sherrod	White (Lamar)
Price	Smith (Elmore)	White (Perry)
Pugh	Smith (Etowah)	Williams (Barbour)
Rainer	Stollenwerck	Williams (Lee)
Rice	Tarrant	Woelf

—75

Nays:

Alford	Jenkins	Norville
Arrington	Long (Morgan)	Powell (Covington)
Bloch	Mastin	Rushton
Edwards		

—10

Mr. Kirby offered the following amendment to the bill:

"Amend section 2 of H. 47 by striking out all of said section after word "pistol" in fourth line and add "when said officers have on their official badges so the same can be seen."

Mr. Maner moved to table the amendment offered by Mr. Kirby and the motion to table prevailed.

Yeas, 47; nays, 41.

Yeas:

Messrs. Speaker	Hughes	Pitts (Dallas)
Altman	John	Pitts (Perry)
Arnold	Kornegay	Powell (Bullock)
Benners	Lacy (Dallas)	Powell (Covington)
Bloch	Lancaster	Price
Brown	Lee (Houston)	Rainer
Bulger	Lindsey	Rushton
Cannon	Long (Butler)	Sample
Carmichael	Lyons	Tarrant
Cranford	Malone	Tunstall
Crum	Maner	Turner
Cunningham	Mitchell	Wittmeier
Doyle (Clarke)	Moore	White (Lamar)
Doyle (Marengo)	McCrary	Williams (Lee)
Fuller	McMillan	Woelf
Haley	Peete	

—47

Nays:

Ballard (Autauga)	Jenkins	Pugh
Ballard (Pike)	Johnson	Rattray
Barton	Kirby	Rowe
Benson	Lawson	Sanders
Burney	Lee (Barbour)	Sanford
Cooper	Lee (Etowah)	Seale
Dudley	Long (Morgan)	Sherrod
Edwards	Mastin	Smith (Elmore)
Elrod	Mayfield	Smith (Lee)
Garner	Middleton	Stollenwerck
Glover	McCurdy	Vann
Gunter	McDuffie	White (Perry)
Henley	Pearson	Williams (Barbour)
Hoffman	Pratt	

—41

And the bill,

H. 47. To prohibit the sale, or barter, or letting to hire, or having possession of small pistols.

As amended.

Was read a third time, at length and passed; yeas, 63; nays, 27.

Yeas:

Messrs. Speaker	Elrod	Maner
Altman	Fuller	Mitchell
Ballard (Autauga)	Garner	Moore
Ballard (Pike)	Glover	McCrary
Baltzell	Haley	McCurdy
Benners	Henley	McDuffie
Benson	Hughes	McMillan
Brown	John	Peete
Bulger	Johnson	Pitts (Dallas)
Burney	Kornegay	Pitts (Perry)
Cannon	Lacy (Dallas)	Powell (Covington)
Carmichael	Lancaster	Price
Coleman	Lawson	Pugh
Crum	Lee (Houston)	Rowe
Cunningham	Lindsey	Rushton
Doyle (Clarke)	Long (Butler)	Sample
Doyle (Marengo)	Lyons	Sanders
Dudley	Malone	Sanford

Sherrod
Smith (Elmore)
Tarrant

Tunstall
Turner
Urquhart

Wittmeler
White (Lamar)
Woolf

—63

Nays:

Alford
Arnold
Barton
Cranford
Edwards
Gunter
Hoffman
Jenkins
Kirby

Lee (Etowah)
Long (Morgan)
Mastin
Mayfield
Middleton
Pearson
Powell (Bullock)
Pratt
Rainer

Rattray
Seale
Smith (Etowah)
Smith (Lee)
Stollenwerck
Vann
White (Perry)
Williams (Barbour)
Williams (Lee)

—27

H. 10. To make provisions for defraying the expenses of the extraordinary session of the Legislature.

Was read a third time, at length and passed; yeas, 78; nays, 2.

Messrs. Speaker

Alford
Altman
Avery
Ballard (Autauga)
Ballard (Pike)
Baltzell
Barton
Benners
Bloch
Brown
Burney
Cannon
Carmichael
Coleman
Cooper
Crum
Cunningham
Doyle (Clarke)
Doyle (Marengo)

Dudley
Edwards
Elrod
Fuller
Garner
Glover
Haley
Henley
Hoffman
Hughes
John
Johnson
Killen
Kornegay
Lacy (Dallas)
Lacy (Walker)
Lancaster
Lawson
Lee (Etowan)
Lee (Houston)

Lindsey
Long (Morgan)
Lyons
Malone
Maner
Mayfield
Moore
McCrory
McCurdy
McDuffie
McMillan
Pearson
Peete
Pitts (Dallas)
Pitts (Perry)
Powell (Bullock)
Powell (Covington)
Pratt
Price
Pugh

Rainer	Sherrod	Turner	
Ratray	Smith (Elmore)	Urquhart	
Rowe	Smith (Lee)	Vann	
Rushton	Stollenwerck	White (Lamar)	
Sample	Tarrant	White (Perry)	
Seale	Tunstall	Woelf	
			—78
Nays:			
Cranford	Long (Butler)		—2

On motion of Mr. McDuffie the bill H. 10 was ordered sent forthwith to the Senate without engrossment.

ADJOURNMENT.

The hour of one o'clock having arrived, under the rules the House stood adjourned until 10:30 o'clock tomorrow morning.

FOURTH DAY.

House of Representatives,

MONTGOMERY, Ala., Friday, July 30, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Malone, of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Hughes	Pitts (Dallas)
Alford	Jenkins	Pitts (Perry)
Altman	John	Powell (Bullock)
Arnold	Johnson	Powell (Covington)
Arrington	Killen	Pratt
Avery	King	Price
Ballard (Autauga)	Kirby	Pugh
Ballard (Pike)	Lacy (Dallas)	Ragsdale
Baltzell	Lacy (Walker)	Rainer
Barton	Lancaster	Ratray
Benners	Lawson	Rice
Benson	Lee (Barbour)	Rowe
Bloch	Lee (Etowah)	Rushton
Brown	Lee (Houston)	Sample
Bulger	Lindsey	Sanders
Burney	Long (Butler)	Sanford
Cannon	Long (Morgan)	Seale
Carmichael	Lyons	Sherrod
Coleman	Malone	Smith (Elmore)
Cooper	Maner	Smith (Etowah)
Cranford	Mastin	Smith (Lee)
Crum	Mayfield	Stollenwerck
Cunningham	Middleton	Tarrant
Doyle (Clarke)	Mitchell	Thompson
Doyle (Marengo)	Moore	Tunstall
Dudley	McCrory	Turner
Edwards	McCurdy	Urquhart
Elrod	McDuffie	Vann
Fuller	McMillan	Wittmeier
Garner	Norville	White (Lamar)
Glover	Oliver	White (Perry)
Gunter	Parker	Williams (Barbour)
Haley	Pearson	Williams (Lee)
Henley	Peete	Woolf
Hoffman		

—103

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report :

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the third day, and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the third day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Kornegay indefinitely.

PRIVILEGES OF THE FLOOR.

Were granted to Rev. J. W. Shores, Dr. T. W. Palmer, of Talladega, Hon. E. M. Lovelace, of Brewton, and Hon. H. B. Steagall, of Ozark, Hon. Jno. L. Hughston, of Lauderdale.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

H. 47. To prohibit the sale, or barter, or letting to hire, or having possession of small pistols.

ERNEST LACY, Chairman.

MESSAGE FROM THE SPEAKER.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 37. To amend section two of an act "Supplementary to an act entitled 'An act to regulate the system of public schools in the county of Mobile, approved January 16, 1854,' " approved February 15, 1856.

And orders same sent forth to the House without engrossment, with notice and proof thereto attached and herewith exhibited as follows, to wit:

Notice is hereby given that the Board of Mobile school commissioners of Mobile county will apply to the Legislature of Alabama at its next special session, if called by the governor, or to its next regular session, if a special session is not called, for the passage of the following bill in aid of the public schools of Mobile county, viz:

A bill to be entitled An act to amend section two of an act "Supplementary to an act entitled 'An act to regulate the system of public schools in the county of Mobile, approved January 16th, 1854,' " approved February 15th, 1856.

Section 1. Be it enacted by the Legislature of Alabama, That section two of an act entitled "An act Supplementary to an act entitled an act to regulate the system of public schools, in the county of Mobile, approved February 15th, 1856, be and the same is hereby amended to read as follows:

Section 2. That the board of Mobile school commissioners be and they are hereby authorized and empowered, whenever in their judgment the success and prosperity of the public school system in said county demand it, to lay a tax not exceeding one-tenth of one per centum, upon the real and personal property of said county, as found by the latest appraisalment roll of the State and county assessor, for the benefit of said schools. The tax so levied shall be certified to the collector of State and county taxes for said county, who shall proceed to collect it in the same manner and for the same fees, as are now prescribed by law, for the collection of State and county taxes, and said collector shall deposit the same in such bank or banks in the city of Mobile as shall be selected by the board of Mobile school commissioners; and the act approved January 16, 1854, authorizing the levy of a tax on all subjects of taxation embraced in the revenue laws of the State, except licenses, to an amount equal to one-fourth of the amount levied by the commissioners of revenue of Mobile county for the county tax of Mobile county for school purposes, be and the same are hereby repealed.

State of Alabama, }
 Mobile County. }

Before me, Thos. R. Foster, a notary public in and for said county and State, personally appeared M. P. Dowling, who being be me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on, towit, June 9th, 16, 23 and 30, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 27th day of July 1909, as witness my hand and official seal.

THOS. R. FOSTER,
 Notary Public, Mobile County, Ala.

Also

S. 38. To require the general council of the city of Mobile to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county, located within the corporate limits of said city,

And orders same sent forthwith to the House without engrossment with notice and proof thereto and herewith exhibited as follows, towit:

Notice is hereby given that the Board of Mobile school commissioners of Mobile county will apply to the Legislature of Alabama at its next special session, if called by the governor, or to its next regular session, if a special session is not called, for the passage of the following bill in aid of the public schools of Mobile county, viz:

A bill to be entitled an act to require the general council of the city of Mobile to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county, located within the corporate limits of said city.

Be it enacted by the Legislature of Alabama, That it shall be the duty of the general council of the city of Mobile, as soon as practicable after its annual meeting in March, 1910, and in each year thereafter, to make annual appropriation out of its revenue and income in aid of the public schools situated within the corporate lim-

its of said city, of such amount as said general council may deem adequate, having in mind the needs of said schools and the financial condition of said city, but not less than two dollars for each pupil over seven and under twenty-one years of age then enrolled in said schools, such appropriations to be paid to the Mobile county superintendent of education of Mobile, or to such other person as may be designated by the Mobile school commissioners of Mobile county.

State of Alabama, }
 Mobile County. }

Before me, THOS. R. FOSTER, a notary public in and for said county and State, personally appeared M. P. Dowling, who being be me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on, towit, June 9th, 16, 23 and 30, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 27th day of July 1909, as witness my hand and official seal.

THOS. R. FOSTER,
 Notary Public, Mobile County, Ala.

S. 39. To require the board of revenue and road commissioners of Mobile county, to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county.

And orders same sent forthwith to the House without engrossment, with notice and proof thereto attached and herewith exhibited as follows, towit:

Notice is hereby given that the Board of Mobile school commissioners of Mobile county will apply to the Legislature of Alabama at its next special session, if called by the governor, or to its next regular session, if a special session is not called, for the passage of the following bill in aid of the public schools of Mobile county, viz:

A bill to be entitled an act to require the board of revenue and road commissioners of Mobile county to make annual appropriations out of its revenues and income in aid of the public schools of Mobile county.

Be it enacted by the Legislature of Alabama, That it shall be the duty of the board of revenue and road commissioners of Mobile county, as soon as practicable after the first day of January, 1910, and of each year thereafter, to make annual appropriation out of its revenue and income in aid of the public schools in said county, of such amount as said board may deem adequate, having in mind the needs of said schools and the financial condition of said county, but not less than two dollars for each pupil over seven and under twenty-one years of age then enrolled in all of the said schools, such appropriations to be paid to the Mobile county superintendent of education of said county or to such other person as may be designated by the Mobile school commissioners of Mobile county.

State of Alabama, }
Mobile County. }

Before me, Thos. R. Foster, a notary public in and for said county and State, personally appeared M. P. Dowling, who being be me first duly sworn, saith that he is bookkeeper of the Item Publishing Company; that the hereto annexed advertisement was published once a week for four consecutive weeks in the Mobile Daily Item, a newspaper published in Mobile county, Alabama, on, towit, June 9th, 16, 23 and 30, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 27th day of July 1909, as witness my hand and official seal.

THOS. R. FOSTER,
Notary Public, Mobile County, Ala.

Also,

S. 40. For the further protection of fish; to make it unlawful to use nets, seines, or any devices or substitutes for the seine, in streams or bodies of water emptying into salt water or tide water; to provide for a closed sea-

son on bass, trout, mullet and red fish; and to limit the size of the mesh of seines used in salt water.

And ordered same sent forthwith to the House without engrossment.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

The bills the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Education, S. 37, S. 38, S. 39.

Game, Fish and Forestry Preservation, S. 40.

RECOMMITTAL OF BILL.

Mr. Lee, of Etowah, chairman of the standing committee on Education, returned to the House, the bill:

H. 97. To appropriate the sum of twenty thousand dollars for the erection of a dormitory for the use of the Alabama Normal College at Livingston, to replace the one recently burned.

With the request that it be recommitted to the standing committee on appropriations, and the bill H. 97 was referred to the standing committee on Appropriations.

INVITATION.

The following invitation was received and read by the clerk, which was ordered spread upon the Journal:

MONTGOMERY, Ala., July 30, 1909.

Hon. A. H. Carmichael,

Speaker of the House of Representatives.

Dear Sir: A cordial invitation is hereby extended to you and to the members of the House of Representatives, together with the secretary, clerks and employes, to visit the State Hygienic and Bacteriological Laboratory, located on the third floor of the capitol building; also, the

Pasteur Institution for the Prevention of Hydrophobia. These are State institutions that have long been needed, but it was not until the present Legislature appropriated to the State board of health means adequate for establishing them that they became possibilities, and now, I am glad to say, are actualities.

The Laboratory, intended for the study of all diseases in any part of the State that may be a menace to the public health, is equipped with the most modern and scientific appliances provided for such work, and is therefore capable of proving, and has already proved, of great service to the people of the State. Since the Pasteur treatment for the prevention of hydrophobia was instituted, on November 1, 1908, 130 patients, who had been bitten by rabid animals, have been treated, all of whom so far, have been saved from the terrible doom that would have certainly overtaken many of them had they not received proper and prompt treatment. Twelve patients are now under treatment, the method of treating whom may be seen during any forenoon.

With distinguished consideration, I have the honor to be,

Very respectfully yours,

W. H. SANDERS,
State Health Officer.

RESOLUTIONS.

Mr. John, from the standing committee on Rules, returned to the House the following resolutions:

By Mr. John.

H. R. 19. Be it resolved, by the House of Representatives: That the doorkeeper of the House be and he is hereby instructed to rent two typewriters for the use of the engrossing clerk of the House.

By Rules Committee.

H. R. 20. Resolved. That the committee on Education shall be entitled to a clerk.

2. That the committee on Rules be authorized to employ two clerks, who shall serve all committees without clerks.

And the resolutions were adopted.

The following resolutions were introduced, read one time and referred to the standing committee on Rules.

By Mr. Rattray.

H. R. 21. Resolved by the House, That the governor be and he is hereby requested to furnish to the House for its information an itemized statement of the expenditures made by the State in the litigation between the State and the railroads, showing each sum expended, for what expended, to whom paid, and when paid.

By Mr. Pitts, of Dallas.

H. R. 22. Whereas, the House has learned with profound sorrow of the death of the late Representative T. D. Power, who was a valuable member of this body; now, therefore,

Be it resolved, by the House, That as a mark of respect to his memory that when the House adjourns to-day it stands adjourned until Monday at 12 o'clock.

By Mr. Cooper.

H. R. 23. That in consequence of the great interest by practically every citizen of the State in insurance, that any and every bill referring to or concerning insurance, be printed and submitted to this house before being put on passage.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 7. Ratifying the sixteenth amendment of the Constitution of the United States.

Mr. Long, of Butler, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

By Mr. Long, of Butler.

H. 11. To amend an act entitled "An act to prohibit common carriers and their officers, agents and employes from publishing, exacting, charging or receiving any higher or greater rates of compensation for the transportation of property or passengers than that specifically designated and prescribed by statute, or made the maximum rate by statute, or than that established by the Railroad Commission, and from refusing to receive property or passengers for transportation at such rates; to provide penalties for a violation thereof, and fix the period in which proceedings may be instituted for the recovery of such penalties, and the procedure to recover the same." Approved November 23, 1907.

H. 12. To amend section 5520 of the Code.

H. 14. To provide for and authorize appeals from any action or order of the railroad commission of Alabama reducing or increasing or refusing to increase, any rates, fares or charges by common carriers for the transportation of property, freight or passengers, specifically prescribed by statute, or made the maximum rates by statute, or established by the Railroad Commission.

H. 15. To repeal an act entitled "An act to exclude from the railroad commission and the members thereof and the attorney general all power, authority or duty to enforce any rates, fares or charges for the transportation of property or passengers which have been or which may hereafter be prescribed by statute, or made the maximum rates by statute, or any law now existing, or which may hereafter be enacted prescribing such rates, charges or fares, or any rates, fares or charges which have been or may hereafter be established by the Railroad Commission's orders establishing the same, and all power and authority to instruct, direct or request the attorney general to institute any legal proceedings to enforce such rates, fares, charges, statutes or orders," approved November 23, 1907.

II. 16. To repeal an act entitled "An act to prohibit railroads and other common carriers, or terminal companies, or other companies or persons controlling access to passenger trains from preventing access to regular trains carrying passengers by the use of fences, gates, bars or by any means whatsoever by any person desiring to take passage on said train between points within this State when such person has offered to purchase a ticket at the rate prescribed by statute, or fixed by the Railroad Commission, and the sale of such ticket at such rate has been refused; to prescribe the penalty for violations thereof, the period within which proceedings may be instituted to recover such penalties, and the procedure for the recovery of the same." Approved Dec. 3, 1907.

H. 17. To amend Section 4 of an act, approved November 23rd, 1907, entitled "An act to amend sections 5, 29, 35, 41 and 52 of an act of the legislature of Alabama entitled an act to create a Railroad Commission, to be known as the Railroad Commission of Alabama, define its duties and powers, and to provide for its mode of procedure, and prescribe penalties for violation of its orders, approved February 23rd, 1907."

H. 18. To repeal an act entitled "An act to make railroad corporations and other common carriers liable in damages to passengers or persons desiring to become passengers for refusing to carry such persons between points in this State at which regular stops are made to take on and let off passengers at the rate or fare which has been or may hereafter be prescribed by statute, or the rate which has been or may hereafter be established by the Railroad Commission; to authorize actions to recover said damages and prescribe the period within which such actions may be brought and the procedure," approved Dec. 3, 1907.

H. 19. To amend section 5556 of the Code.

H. 20. To repeal "An act to authorize the recovery of damages by any person who has been ejected from any regular passenger train, of any railroad in this State for refusal to pay a greater or higher rate of fare than that prescribed by statute or by the Railroad Commission and to prescribe the period within which such action may be brought," approved Dec. 3, 1907.

Mr. Lyons, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 33. To make an appropriation for the payment of expenses incurred in publication of proclamations of Governor on the three constitutional amendments voted on at the election held in this State on Nov. 3, 1908.

Mr. Lee of Etowah, chairman of the standing committee on Education, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 140. To amend section two of an act "supplementary to an act entitled 'An act to regulate the system of public schools in the county of Mobile, approved January 16th, 1854,' " approved February 15th, 1856.

H. 141. To require the board of revenue and road commissioners of Mobile county annually to levy a special tax of not exceeding one-third of one percentum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county."

H. 142. To require the general council of the city of Mobile to make annually appropriations out of its revenue and income in aid of the public schools of Mobile county, located within the corporate limits of said city.

H. 143. To require the board of revenue and road commissioners of Mobile county to make annual appropriations out of its revenues and income in aid of the public schools of Mobile county.

Mr. Lee, of Etowah, chairman of the standing committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 36. (With amendment.) To authorize and empower the commissioners' court of the several counties of this State to make appropriation out of the county treasury for the completion or the construction or to aid in the construction of the county high school buildings, that are or may be located in the several counties of this State; and to supplement any funds that may be appropriated and set apart to pay the costs and expenses of carrying on the schools.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute.

H. 45. (With substitute.) To submit to the qualified electors of the State of Alabama, for their consideration at the next general election, an amendment of section 96, article IV, of the constitution.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the journals, required by the constitution and to provide a competent examiner of the journals and prescribe his duties and pay.

H. 52. To prohibit the casting, or throwing by blasting or otherwise, of stone, earth, or pieces of wood, iron ore of any kind, or other ponderable material, or thing,

upon the premises of another; or into or upon the public highways, or public places.

H. 69. To fix the time of holding the circuit court of Coffee county at Enterprise, Alabama.

H. 89. To vacate and annul the dedication of the following described highway or part of highway in the city of Bessemer, Jefferson county, Alabama, and described according to the map and plat of the Bessemer Land and Improvement Company; that part of the alley between 7th and 8th avenues and extending from 21st to 22nd street, entirely through the block three hundred and eighty-five (385) and to close such portion of said alley as a public highway.

H. 93. To regulate *lis pendens*.

H. 95. To authorize a certified copy of a decree rendered by a court of competent jurisdiction of another State, relieving a non-resident minor of the disabilities of non-age, to be recorded in the probate office of any county in this State where such minor owns property, and when so recorded the said decree to have the same force and effect in this State as in the State where rendered.

H. 96. To amend section 3046 of the Code of 1907.

H. 98. To amend section 7421 of the Code of Alabama, of 1907.

H. 99. To amend section 1292 of the Code of Alabama.

Mr. Woolf, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 65. To provide for license tax of one dollar on each dog over the age of three months kept in the State of Alabama; to authorize the collection of the same, and the issuance of license; to prescribe penalties for the violation of provisions of said act, and disposition of fines collected therefor and for the disposition of the license taxes.

Mr. Bloch, chairman of the standing committee on Mining and Manufacturing, reported that said commit-

tee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 144. To create the office of county solicitor for Conecuh county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

Mr. Ballard, of, Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 104. To revoke the license or right to engage in or carry on any business, or to have any agency or place of business in this State, of any foreign corporation which is authorized by its charter, to manufacture, sell, or otherwise dispose of alcoholic, spirituous, vinous or malt liquors, or any liquor or beverage prohibited by the law of Alabama to be manufactured sold, or otherwise disposed of in this State, or which is engaged in the manufacture or sale of such liquors, or any of them, in the State of its creation or elsewhere, or which is engaged in or carries on in the State of its creation, or elsewhere, any business which is unlawful for any domestic corporation or citizen of Alabama to engage in or carry on in this State: and to prohibit the entry of such foreign corporations into this State and the grant to them by any officer of the State of Alabama of a license to engage in business of any kind or to have any agency or place of business in this State, and to prescribe penalties for the violation of this act.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 146. To better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor and to fix the amount of such fees.

H. 72. To amend section 7718 of the Code of 1907.

H. 82. To amend section 3374 of the Code of Alabama.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment.

H. 83. (With amendment.) To amend section 3382 of the Code of Alabama.

H. 145. (With amendment.) To amend sections 546 and 547 of the Code of 1907.

H. 71. (With amendment.) To amend section 6572 of the Code of 1907.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Woolf, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 37. To exempt ex-confederate soldiers from the payment of State, county and beat hunting license as now required by law in this State.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 81. To repeal section 4337 of the Code of 1907.

H. 85. To regulate lis pendens.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Ballard, of Autauga.

H. 149. To appropriate an additional sum of twelve thousand dollars (\$12,000.00) for public printing and binding for the fiscal year ending September 30th, 1909, and to appropriate the additional sum of ten thousand dollars (\$10,000.00) for public printing and binding for fiscal year ending September 30th, 1910.

Public Printing.

By Mr. Ballard, of Autauga.

H. 150. To amend section 1650 of the Code of 1907.

Public Printing.

By Mr. Long, of Butler.

H. 151. To repeal an act entitled "An act to provide for the revocation of the license or right to engage in or carry on the business of transportation, originating and terminating in this State, of freight or passengers, of any foreign corporation which is now engaged, or which may hereafter engage in such business or the business of common carrier in this State in the event such corporation shall, for any of the purposes specified in this act, institute in any Federal court any suit or proceeding, or shall remove or cause to be removed to any Federal court any suit or proceeding instituted in any State court for any of the purposes specified in this act," approved March 6th, 1907.

Commerce and Common Carriers.

By Mr. Rushton.

H. 152. To regulate sales of stocks of merchandise in bulk, or portions thereof, otherwise than in the ordinary course of trade.

Commerce and Common Carriers.

By Mr. Hughes.

H. 153. To amend section 5304 of the Code of 1907.

Judiciary.

By Mr. Hughes. (With Notice and Proof.)

H. 154. To amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907.

Public Roads and Highways.

Notice and proof H. 154:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, substantially as follows, amending the road law for Franklin county:

A bill to be entitled an act to amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Ala., approved July 31, 1907:

Section 1. Be it enacted by the Legislature of Alabama, That said act be amended so as to read as follows: Section 6. It shall be the duty of said superintendent to divide the public roads into sections of length as he may determine and to let the working and keeping in repair said sections by contract. The contracts to be let to the lowest responsible bidder who shall give bond payable to Franklin county approved by superintendent in an amount equal to three times the amount of his bid, conditioned to faithfully work and keep in good repair the section or sections he contracts to work and to the satisfaction of the superintendent. The said superintendent shall have the right to reject any bid of any proposed contractor.

Sec. 2. That part of section 8 in reference inspection and overseer omitted.

Sec. 3. That section 13 be amended so as to read as follows: Sec. 13. That each and every owner of a wagon, buggy or other vehicle shall be required to meet said superintendent on his rounds prior to February 15th each year and report such wagon, buggy or other vehicle

to said superintendent and shall pay to said superintendent the following wheel tax on all wagons, buggies or other vehicles having a tire up to $2\frac{1}{2}$ inches wide \$1.00, on all wagons or other vehicles with a tire from $2\frac{1}{2}$ to 3 inches \$1.25 and on all wagons or other vehicles with a tire over 3 inches \$5.00. Provided that said owner may pay said tax prior to said date to the county treasurer. On a failure of any owner of any wagon, buggy or other vehicle to pay said wheel tax to the superintendent or county treasurer by the 15th day of February of each year as provided herein, it shall be the duty of said superintendent to seize any such wagon, buggy or other vehicle and after giving ten days notice of the time and place of sale to sell said wagon, buggy or other vehicle in the precinct of the owner of said wagon, buggy or other vehicle, and to retain from such sale \$2.00 costs, in each sale, pay the said tax to county treasurer and if any surplus pay to owner.

That section 14 be amended to read: Sec. 14. That any person subject to road duty under the general laws of Alabama and not commuting said work by paying his \$5.00 to the superintendent or county treasurer by the 15th day of February, shall be hired to a contractor by the superintendent at 50 cents per day for ten days. And if any hand shall fail or refuse to work or furnish an able bodied substitute it shall be the duty of the contractor on whose section said hand shall have been assigned by superintendent after five days from the warning to return such and every hand so failing or refusing to a justice of the peace in the precinct, or if there be no justice in such precinct, then to the nearest justice in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided, any one becoming subject to road duty after February 15th shall have the right 30 days after he shall have become of road age, to pay said sum of \$5 in commutation of said ten days work and any such person failing for thirty days after he shall become so subject to road duty, shall be assigned to a contractor by the superintendent at 50 cents per day.

Sec. 14 $\frac{1}{2}$. Each contractor to whom any road hand failing to pay his \$5.00 has been assigned, shall give the

county credit on his contract price with the county \$5.00 for each and every hand so assigned him by the superintendent.

That section 19 be amended to read: Sec. 19. That the compensation to be paid any contractor for work done under his contract with the road superintendent shall be paid to said contractor by the county treasurer out of the road fund on a warrant by the commissioners' court on the said contractor filing with court his account approved by the road superintendent.

That sections 15, 16, 20, 25 and 28 be amended by substituting the words contractor and section instead of overseer and road in said section.

That sections 7, 12 and 18 be repealed.

I, J. C. Norwood, editor and proprietor of the Franklin Times, a weekly newspaper published in the town of Russellville, county of Franklin, and State of Alabama, do hereby certify that the notice hereto attached, was published in said newspaper for four consecutive weeks. This the 28th day of July, 1909. J. C. NORWOOD.

Sworn to and subscribed before me this the 28th day of July, 1909.

Y. M. QUINN.

Notary Public.

By Mr. Benners.

H. 155. To repeal sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Tarrant.

H. 156. In relation to social clubs, and societies for the social or literary advancement of their members or both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence; to revoke the charter of those not complying with this act; and to prescribe penalties.

Temperance.

By Mr. Pitts, of Perry.

H. 157. To amend sections 51 and 52 of the Political Code of 1907.

Agriculture.

By Mr. Lawson. (With Notice and Proof.)

H. 158. To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled "An act to amend sections six (6) and twenty-five (25) of an act approved February 18, 1895, entitled 'An act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."

Judiciary.

Notice and Proof H. 158:

NOTICE OF INTENTION TO APPLY FOR THE PASSAGE
OF A LOCAL ACT.

Notice is hereby given, in accordance with section 106 of the Constitution of Alabama of 1901, that application will be made at the special session of the Legislature of Alabama, to be called by the governor of Alabama during the present year, 1909, to have enacted a law substantially as hereafter set forth, and that there will be introduced at such special session in said Legislature a bill to be enacted into a local law in substance as follows:

A bill to be entitled an act to amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23, 1893"; and to amend section 2 of an act approved February 8th, 1899, entitled "An act to amend sections six (6) and twenty-five (25) of an act approved February 18, 1895, entitled 'An act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23d, 1893."

Section 1. Be it enacted by the Legislature of Alabama, That section 2 of an act approved February 18, 1895, entitled "An act to amend an act entitled an act

to establish a city court for the county of Talladega, approved February 23, 1893," he and the same is hereby amended so as to read as follows, to wit: Section 2. Be it further enacted by the Legislature of Alabama, That the judge of said court shall be elected by the qualified electors of said county at the general election held therein on the first Tuesday after the first Monday in November, 1910, and at each such general election every sixth year thereafter, and such judge of the said court shall hold office until his successor is elected and qualified. The judge of said court, at the time of his election, shall have been a citizen of this State, and of the United States for a period of five years next preceding his election, and shall not be less than twenty-five years of age, and shall be learned in the law, and at the time of his election and during his continuance in office, such judge shall be a resident citizen of the county of Talladega. The judge of said court shall take the oath of office required by law to be taken by judges of the circuit court before entering upon the discharge of the duties pertaining to said office; and he may be impeached or removed from office for the same causes by the same tribunals, and in the same manner as is provided by law for the impeachment or removal from office of judges of circuit courts. Such judge shall have and exercise all the jurisdiction and powers which are now, or which may hereafter be lawfully exercised by judges of the circuit court and chancellors of this State, including authority to issue writs of injunction, prohibition, ne exeat, and all other writs which are now, or may hereafter be lawfully issued by judges of the circuit court and chancellors of this State. Vacancies in the office of such judge shall be filled by appointment by the governor; and the appointee shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified, provided that the term of the present judge of said city court of Talladega is hereby extended until January 1st, 1911, or until his successor is elected and qualified as herein provided.

Section 2. Be it further enacted, That section 2 of an act approved February 8th, 1899, entitled, "An act to amend sections six (6) and twenty-five (25) of an act approved February 18th, 1895, entitled, 'An act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23d, 1893," be and the same is hereby amended so as to read as follows, to wit:

Section 2. Be it further enacted, That section twenty-five (25) of said act, approved February 18, 1895, entitled, "An act to amend an act entitled an act to establish a city court for the county of Talladega," approved February 23d, 1893, be and the same is hereby amended so as to read as follows: Section 25. Be it further enacted, That there shall be a solicitor for said court who shall perform such duties in said court as are now or shall hereafter be required of circuit court solicitors in circuit courts of this State. He shall take a like oath of office and file the same in the office of the secretary of State. He shall be elected by the qualified electors of Talladega county, Alabama, at the general election to be held in said county on the first Tuesday after the first Monday in November, 1910, and at each such general election every fourth year thereafter, and he shall at the time of his election be a resident citizen of Talladega county, over the age of twenty-five years, and learned in the law. Each such solicitor shall hold office until his successor is elected and qualified. The governor shall by appointment fill any vacancy for the unexpired term. He shall receive as compensation for his services the same fees as are taxed by law for the solicitors in criminal cases in the circuit courts of this State, to be taxed and collected in said city court in the same manner as such fees are taxed and collected in the said circuit courts of this State, and said fees shall be paid to him instead of the State; and the said solicitor of said court shall have a claim against the fine and forfeiture fund of said county for his fees in cases where convictions are secured, and the fees cannot be collected.

The State of Alabama, }
 Talladega County. }

Personally appeared before me, a probate judge in and for said county, Jno. C. Williams, who being duly sworn according to law, deposes and says that he is the proprietor of Our Mountain Home, a newspaper published in said county of Talladega, State of Alabama, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made without cost to the State of Alabama, in said newspaper for four weeks consecutively, towit, in the issues thereof dated as follows: July 7, 1909, July 14, 1909, July 21, 1909, and July 28, 1909.

JNO. C. WILLIAMS.

July, 1909.

J. E. CAMP, Judge of Probate.

Subscribed and sworn to before me this 28th day of

By Mr. Rice. (With Notice and Proof.)

H. 159. To refund to the city of Tuscaloosa the mortgage tax paid by it on the deed of trust executed to secure the payment of the bonds of the city of Tuscaloosa issued for the purpose of buying the water works of the city of Tuscaloosa, and extending the same.

Appropriations.

Notice and proof H. 159:

NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, a bill will be introduced, the substance of which will be as follows:

An act to refund to the city of Tuscaloosa the mortgage tax paid by it on the deed of trust executed to secure the payment of the bonds of the city of Tuscaloosa issued for the purpose of buying the water works of the city of Tuscaloosa and extending the same. Be it enacted by the Legislature of Alabama,

Section 1. That the auditor is hereby authorized and required to draw his warrant for the sum of seventy-five (\$75.00) dollars, payable to the city of Tuscaloosa, be-

ing the mortgage tax paid by said city of Tuscaloosa to the probate judge of Tuscaloosa county, and by him paid into the treasury for the recording of a deed of trust of the city of Tuscaloosa to the Merchants Bank & Trust Company given for the security of the Tuscaloosa water works bonds.

Section 2. That the court of county commissioners of Tuscaloosa county is hereby authorized and required to pay to the said city of Tuscaloosa, the sum of thirty-seven and 50-100 (\$37.50) dollars, being its portion of the mortgage tax paid by Tuscaloosa on said deed of trust.

The State of Alabama, }
County of Tuscaloosa. }

Before me, E. H. Bingham, a notary public in and for said county in said State, personally appeared Jno. T. Bealle, editor of the West Alabama Breeze, a newspaper published in the county of Tuscaloosa, who being duly sworn says on oath that the above notice was published in said paper on the 19th day of May, 1909, and for three consecutive weeks thereafter, making in all four insertions of said notice in said newspaper.

JNO. T. BEALLE.

Sworn to and subscribed before me this the 22nd day of June, 1909.

E. H. BINGHAM,
Notary Public.

Mr. Lacy, of Walker.

H. 160. To regulate the procedure in the trial of causes wherein lands are sought to be condemned.

Judiciary.

By Mr. Barton.

H. 161. To amend section 1989 of the Code of Alabama.

Education.

By Mr. Lee, of Etowah.

H. 162. To repeal sections 1720 and 1742 of the Code of Alabama and to amend sections 1721, 1722, 1723, 1726, 1727 and 1741 of the Code of Alabama.

Education.

By Mr. Lindsey. (With Notice and Proof.)

H. 163. To repeal an act entitled an act to constitute a board of jury commissioners for Choctaw county, approved February 28th, 1907.

Revision of Laws.

Notice and proof H. 163 :

NOTICE.

Notice is hereby given that during the extra session of the Alabama Legislature, which convenes on the 27th day of July, 1909, a bill will be introduced to repeal an act entitled "An act to constitute a board of jury commissioners for Choctaw county, approved February 28, 1907."

W. H. LINDSEY.

State of Alabama, }
Choctaw County. }

Personally appeared before me, W. H. Lindsey, notary public in and for said county and State, T. G. Flowers, who being duly sworn by me, deposes and says that he is publisher of the Choctaw Advocate, a newspaper printed weekly in said county; that attached notice being a notice of the proposal to introduce a bill in the extra session of the Legislature which convenes on the 27th of July, 1909, to repeal an act entitled an act to constitute a board of jury commissioners for Choctaw county was published in said newspaper once a week for four consecutive weeks next before the 30th day of July, 1909, and that attached notice is a true and exact copy as same was published in said county.

THOS. G. FLOWERS.

Sworn to and subscribed before me this the 27th day of July, 1909.

W. H. LINDSEY,

Notary Public, Choctaw county, Ala.

By Mr. Ballard, of Pike.

H. 164. To amend section 6964, Chapter 224, of the Code of Alabama, 1907.

Game, Fish and Forestry Preservation.

By Mr. Jenkins.

H. 165. To repeal section 5517 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sherrod.

H. 166. To amend section 859 of the Code of Alabama.

Revision of Laws.

By Mr. Arrington. (With Notice and Proof.)

H. 167. To repeal an act entitled "An act to establish the county court of Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8th, 1901, and to repeal "An act to amend an act entitled an act to establish the county court for Coffee county with criminal jurisdiction in misdemeanor cases, approved February 8, 1901. Said act as amended to make said court an inferior court of record with civil jurisdiction as well as criminal, as follows:

Said court to have jurisdiction in all civil matter concurrently with justice of peace, and also with the circuit court of said county wherein the subject matter does not exceed \$500.00 except in civil actions of libel, slander, assault and battery, or ejection or statutory actions in the nature of ejection; also providing for the trials by said court of all appeals from the justices' courts of said county in civil actions; regulating the powers and authority of the judge of said court and making the same commensurate with the judge of the circuit court with respect to remedial writs, and vesting jurisdiction in the judge of said court with respect to trial of habeas corpus cases in said county commensurate with judge of probate; regulating the practice and procedure of said court and prescribing the qualifications of the judge and solicitor and providing their salaries, mode and means of payment; providing for jury terms and regulating the juries thereof and selection; restoring to justice of peace original jurisdiction of the misdemeanor cases provided for trial by them under the Code, and providing for appeals in such cases to the said county court of Coffee; and further regulating said court and trials therein."

Approved September 29, 1903; and to provide for the transfer of criminal proceedings on indictments and criminal and civil proceedings on appeal pending in said county court to the circuit court of Coffee county.

Revision of Laws.

Notice and proof H. 167:

NOTICE.

A bill will be introduced, and its passage applied for, at the extra session of the Legislature of Alabama, in substance as follows:

To repeal "An act to amend an act entitled 'An act to establish the county court of Coffee for Coffee county with criminal jurisdiction in misdemeanor cases, approved Feb. 8, 1901. Said act as amended to make said court an inferior court of record with civil jurisdiction as well as criminal, as follows:

Said court to have jurisdiction in all civil matters concurrently with justices of the peace, and also with the circuit court of said county wherein the subject matter does not exceed 500.00, except in civil actions of libel, slander, assault and battery, and ejectment or statutory actions of in the nature of ejectment; also provided for the trials by said court of all appeals from justice courts of said county in civil actions; regulating the powers and authority of the judge of said court and making the same commensurate with the judge of the circuit court with respect to remedial writs, and vesting jurisdiction in the judge of said court with respect to trial of habeas corpus cases in said county commensurate with judges of probate; regulating the practice and procedure of said court and prescribing the qualifications of the judge and solicitor and providing for their salaries, and mode and means of payment, and providing for jury terms and regulating the juries thereof and selection restoring to justices of the peace original jurisdiction of the misdemeanor cases provided for trial for them under the code, and providing for appeals in such cases to said county court of Coffee; and further regulating said courts and trials therein," approved Sept. 29, 1903.

To repeal "An act entitled an act to establish the county court of Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8, 1903.

To provide for the transfer of criminal proceedings on indictment; and criminal and civil proceedings by appeal from justice of peace pending in said county court of Coffee county to the circuit court of Coffee county.

The State of Alabama, }
County of Coffee. }

Before me, J. M. Loflin, a notary public in and for said county and State, personally appeared G. W. Carlisle, known to me to be the editor and proprietor of the People's Ledger, a newspaper published at Enterprise, Coffee county, Alabama, who being by me first duly sworn, doth state on oath, that he is the editor and publisher of said paper; that the same is and has been published and issued regularly in weekly editions in said county for more than twelve months last past, and that the notice hereto marked "Exhibit A" relating to the repeal of the acts establishing the county court of Coffee county was published without cost to the State, once a week for four consecutive weeks, in said newspaper in said county, next before the making of this affidavit.

(Signed) G. W. CARLISLE.

Sworn to and subscribed before me this 29th day of July, 1909.

(Signed) J. M. LOFLIN,
Notary Public.

By Mr. Pitts, of Dallas.

H. 168. To amend section 3487 of the Code of Alabama (1907).

Revision of Laws.

By Mr. Pitts, of Dallas.

H. 169. To amend section 3484 of the Code of Alabama.

Revision of Laws.

By Mr. Gunter.

H. 170. To require the probate judges of the State to furnish lists of qualified electors of the several counties to the managers of elections and to provide compensation therefor.

Judiciary.

By Mr. Hoffman. (With Notice and Proof.)

H. 171. To regulate the liquor traffic in Mobile county.

Local Legislation.

Notice and proof H. 171:

The State of Alabama, }
Mobile County. }

Personally appeared before me, Wm. J. Goodman, a notary public in and for said State and county, John F. Holley, who on oath deposes and says, that he is the advertising manager of the Mobile Daily Item, a newspaper published in the city and county of Mobile, Alabama, and that the following notice, towit:

NOTICE.

Is hereby given that application will be made to the Legislature of Alabama, at the ensuing special session, for the passage of a local law, applicable to Mobile county; this notice being given as required by section 106 of the Constitution, the application being made under section 104 of the Constitution, for the passage of a local law to regulate the liquor traffic in the county of Mobile.

The substance of the proposed law, in short, is to provide for the creation of a board of excise commissioners for the county of Mobile; make provision for their selection, by appointment and election; fix the salaries of such commissioners, and provide a clerk, and for an office and stationery for said board; also to fix and prescribe the duties of the board; to regulate the manner of issuing licenses by them, restricting the limits within which the same may be issued, and prescribing the character of persons to whom licenses may be issued; fixing the minimum license and providing for the disposition of the revenue derived therefrom.

Was published in said Mobile Daily Item once a week for four consecutive weeks, as required by section 106 of the Constitution of Alabama.

JOHN F. HOLLEY.

Adv. Manager Mobile Item.

Subscribed and sworn to before me, this 27th day of
July, A. D. 1909.

WM. J. GOODMAN,
Notary Public, Mobile County, Ala.

BILLS ON THIRD READING.

H. 22. To authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies.

Was read a third time, at length and passed; yeas, 79; nays, 1.

Yeas:

Messrs.

Messrs. Speaker	Gunter	Pitts (Perry)
Alford	Haley	Powell (Bullock)
Altman	Henley	Powell (Covington)
Arnold	Hughes	Price
Arrington	Jenkins	Price
Avery	John	Pugh
Ballard (Pike)	Johnson	Rainer
Ballard (Pike)	Killen	Rattray
Barton	Lacy (Dallas)	Rowe
Benners	Lacy (Walker)	Rushton
Benson	Lancaster	Sanders
Bloch	Lawson	Sanford
Brown	Lee (Houston)	Seale
Bulger	Lindsey	Sherrod
Burney	Long (Morgan)	Smith (Lee)
Carmichael	Malone	Stollenwerck
Coleman	Mastin	Tarrant
Cooper	Mayfield	Tunstall
Cranford	Middleton	Turner
Crum	Mitchell	Urquhart
Cunningham	Moore	Wittmeier
Doyie (Clark)	McCrory	White (Lamar)
Budley	McDuffie	White (Perry)
Elrod	McMillan	Williams (Barbour)
Fuller	Pearson	Williams (Lee)
Garner	Pitts (Dallas)	Woolf
Glover		

Nays:

Mr. Smith, of Elmore.

SPECIAL ORDER.

On motion of Mr. John, the bills, H. 23, 25, 31, 32, 59 and 62 were made special paramount continuing orders for Tuesday, August 3, immediately after the report of standing committees.

And on motion of Mr. Bloch H. 21 was made a special continuing paramount order immediately after H. 62.

H. 51. To amend section 2621 of the Code of Alabama of 1907, by extending its provisions to the chancery court and giving the chancery court power to act at its discretion without any written consent of any person interested whomsoever.

Was taken up. Mr. Gunter moved to indefinitely postpone the bill, H. 51, and the motion to postpone prevailed.

H. 55. To provide for the filling of any vacant office, of the State or any county, or municipality, when there is no provision of law for filling such vacancy.

Was read a third time, at length and passed; yeas, 82; nays, 1.

Yeas:

Messrs.

Messrs. Speaker	Carmichael	Jenkins
Alford	Coleman	John
Altman	Cooper	Johnson
Arnold	Cranford	Killen
Arrington	Crum	King
Avery	Cunningham	King
Ballard (Autauga)	Doyle (Clark)	Lacy (Dallas)
Ballard (Pike)	Doyle (Marengo)	Lacy (Walker)
Baltzell	Dudley	Lancaster
Barton	Edwards	Lawson
Benners	Elrod	Lee (Barbour)
Benson	Garner	Lee (Etowah)
Bloch	Glover	Lindsey
Burney	Gunter	Long (Butler)
Cannon	Haley	Long (Morgan)

Lyons	Price	Tarrant
Mitchell	Pugh	Thompson
Moore	Rainer	Tunstall
McCrory	Rice	Turner
McCurdy	Rowe	Urquhart
McDuffie	Rushton	Vann
McDuffie	Sample	Wittmeier
McMillan	Sanders	White (Lamar)
Pearson	Sanford	White (Perry)
Peete	Seale	Williams (Barbour)
Powell (Bullock)	Smith (Etowah)	Williams (Lee)
Powell (Covington)	Smith (Lee)	Woolf
Pratt	Stollenwerck	

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Nays:
Mr. Mastin.

H. 28. To amend section 632 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 88; nays, 1.

Yeas:

Messrs.

Messrs. Speaker	Cooper	Killen
Alford	Cranford	King
Altman	Crum	Lacy (Dallas)
Arnold	Cunningham	Lancaster
Arrington	Doyle (Clarke)	Lawson
Avery	Doyle (Marengo)	Lee (Barbour)
Ballard (Autauga)	Dudley	Lee (Etowah)
Ballard (Pike)	Edwards	Lee (Houston)
Baltzell	Elrod	Long (Butler)
Barton	Fuller	Long (Morgan)
Benness	Garner	Lyons
Benson	Glover	Malone
Bloch	Gunter	Mastin
Brown	Haley	Mitchell
Burney	Hughes	Moore
Cannon	Jenkins	McCrory
Carmichael	John	McCurdy
Coleman	Johnson	McDuffie

McMillan	Rice	Stollenwerck
Pearson	Rowe	Tarrant
Peete	Rushton	Tunstall
Pitts (Dallas)	Sample	Turner
Pitts (Perry)	Sanders	Urquhart
Powell (Bullock)	Sanford	Vann
Powell (Covington)	Seale	Wittmeier
Pratt	Sherrod	White (Lamar)
Price	Smith (Elmore)	Williams (Barbour)
Pugh	Smith (Etowah)	Williams (Lee)
Rainer	Smith (Lee)	Woolf
Rattray		

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Nays:
Mr. Hoffman.

H. 66. To amend section 7803 (5538) of the Criminal Code of Alabama, 1907.

Was read a third time, at length and lost; yeas, 37; nays, 44.

Yeas:

Messrs.

Messrs. Speaker	Jenkins	McDuffie
Arrington	John	McMillan
Ballard (Autauga)	Johnson	Peete
Baltzell	Lacy (Dallas)	Price
Benners	Lacy (Walker)	Pugh
Brown	Lancaster	Rice
Crum	Lawson	Rowe
Edwards	Long (Morgan)	Sample
Fuller	Mayfield	Seale
Glover	Middleton	Tarrant
Gunter	Mitchell	Urquhart
Haley	McCrory	Woolf
Hughes		

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Nays:

Messrs.

Alford	Bloch	Cooper
Avery	Burney	Doyle (Marengo)
Barton	Cannon	Dudley
Benson	Carmichael	Elrod

Garner	McCurdy	Smith (Elmore)
Henley	Norville	Smith (Lee)
Hoffman	Pearson	Stollenwerck
Killen	Pitts (Perry)	Turner
Lee (Barbour)	Powell (Bullock)	Vann
Lee (Etowah)	Powell (Covington)	Wittmeier
Lee (Houston)	Pratt	White (Lamar)
Long (Butler)	Rainer	White (Perry)
Malone	Rushton	Williams (Barbour)
Mastin	Sanders	Williams (Lee)
Moore	Sherrod	

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REPORT OF STANDING COMMITTEE.

Mr. Bulger, chairman of the standing committee on Federal Relations, made the following report:

Mr. Speaker:

The committee on Federal Relations, to which was referred joint resolution passed by the Senate and House of Representatives of the United States of America in congress assembled, proposing an amendment of the constitution of the United States, as follows:

Article Sixteen: The Congress shall have power to levy and collect taxes on incomes, from whatever source derived; without apportionment among the several States, and without regard to any census or enumeration. Have carefully examined and considered the said resolution and beg leave to report the same favorably.

THOS. L. BULGER,
Chairman Committee.

And the report of the committee was concurred in and the resolution proposing an amendment known as Article XVI to the Constitution of the United States was concurred in and adopted.

REPORT OF RULES COMMITTEE.

Mr. John, of the standing committee on Rules, returned to the House H. R. 22 with a favorable report.

By Mr. Pitts, of Dallas.

H. R. 22. Whereas, the House has learned with profound sorrow of the death of the late representative, T. D. Power, who was a valuable member of this body; now, therefore,

Be it resolved, by the House, That as a mark of respect to his memory that when the House adjourns today it stands adjourned until Monday at 12 o'clock M.

And the resolution was adopted.

ADJOURNMENT.

On motion of Mr. Haley, the House adjourned until Monday at 12 noon.

FIFTH DAY.

House of Representatives,
MONTGOMERY, Ala., Monday, August 2nd, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Avery of the House.

ROLL CALL.

On a call of the roll of the House the follownig members answered to their names:

Messrs. Speaker	Ballard (Pike)	Cannon
Alford	Baltzell	Carmichael
Altman	Barton	Coleman
Arnold	Benness	Cooper
Arrington	Benson	Cranford
Avery	Bloch	Cunningham
Ballard (Autauga)	Bulger	Doyle (Clarke)

Doyle (Marengo)	Long (Butler)	Rowe
Dudley	Long (Morgan)	Rushton
Edwards	Lyons	Sample
Elrod	Malone	Sanders
Fuller	Mastin	Sanford
Garner	Mayfield	Seale
Glover	Mitchell	Sherrod
Gunter	Moore	Smith (Elmore)
Henley	McCrary	Smith (Etowah)
Hoffman	McDuffie	Smith (Lee)
Hughes	McMillan	Stollenwerck
John	Parker	Tarrant
Johnson	Pearson	Thompson
Jones	Peete	Tunstall
Killen	Pitts (Perry)	Turner
King	Powell (Bullock)	Urquhart
Lacy (Dallas)	Powell (Covington)	Vann
Lacy (Walker)	Pratt	Wittmeier
Lancaster	Price	White (Lamar)
Lawson	Pugh	White (Perry)
Lee (Barbour)	Rainer	Williams (Barbour)
Lee (Etowah)	Rattray	Williams (Lee)
Lee (Houston)	Rice	Woolf
Lindsey		

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the fourth day, and find the same to be correct. R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the fourth day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Jenkins, Kirby, Norville, Haley and Ragsdale for today, and to Messrs. Pitts, of Dallas, and Brown for today and tomorrow.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. Jesse Orens, of Butler, Hon. Walker Percey and Hon. Borden Burr, of Birmingham, for today.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 22, H. 28, H. 55.

ERNEST LACY, Chairman.

REPORT OF RULES COMMITTEE.

Mr. John, of the standing committee on Rules, returned to the House the following resolutions with a favorable report:

By Mr. Rattray.

H. R. 21. Resolved by the House, That the Governor be and he is hereby requested to furnish to the House for its information an itemized statement of the expenditures made by the State in the litigation between the State and the railroads, showing each sum expended, for what expended, to whom paid, and when paid.

Rules Committee.

H. R. 24. Resolved, That the joint resolution ratifying the 16th amendment to the constitution of the United States be made a special, continuing paramount order for today, August 2, 1909, immediately after the report of the standing committees.

Rules Committee.

H. R. 25. Resolved, That the House for today recess at 1 o'clock p. m., reconvene at 3 and adjourn at 5 30 p. m. That on and after tomorrow the House shall meet at 9:30 o'clock a. m. and adjourn at 1 o'clock p. m., reconvene at 3 and adjourn at 5:30 p. m.

And the resolutions were adopted.

RESOLUTIONS.

The following resolutions were introduced, severally read one time and referred to standing committees as follows:

By Mr. Rattray.

H. R. 26. Resolved, by the House, That the Senators and Representatives from Alabama be and they are hereby requested to vote in favor of any bill looking to the encouragement of our merchant marine.

Federal Relations.

By Mr. Glover.

H. R. 27. Resolved, That House bill 45, proposing an amendment of section 96 of article 4 of the constitution be made a special, continuing, and paramount order of business for Wednesday morning, August 4th, 1909 next, after the report of the standing committees.

Rules.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 54. (With amendment.) To amend sections 6450, 6456 and 6463 of the Code of Alabama.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 77. (With amendment.) To amend section 3542 of the Code of Alabama.

Mr. Benners, acting chairman of the standing committee on Public Printing, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 149. To appropriate an additional sum of twelve thousand dollars (\$12,000) for public printing and binding for the fiscal year ending September 30, 1909, and to appropriate the additional sum of ten thousand dollars (\$10,000) for public printing and binding for fiscal year ending September 30, 1910.

H. 150. To amend section 1650 of the Code of 1907.

Mr. Smith, of Elmore, chairman of the standing committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 154. To amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILL REPORTED ADVERSELY.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 78. To amend section 3538 of the Code of Alabama.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Ballard, of Autauga.

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

Temperance.

By Mr. Ballard, of Autauga.

H. 173. To amend section 1178 of the ode.

Municipal Organization.

By Mr. Ballard, of Autauga.

H. 174. To amend section 1863 of the Code.

Education.

By Mr. Williams, of Barbour.

H. 175. To amend article 15, section 1230 of the Political Code of Alabama.

Revision of Laws.

By Mr. Williams, of Barbour.

H. 176. To amend section 6733 of the Criminal Code of Alabama, 1907.

Revision of Laws.

By Mr. Lee, of Barbour.

H. 177. To repeal subdivision 7, and the subsections therein of section 2082, Code, 1907.

Revision of Laws.

By Mr. Long, of Butler.

H. 178. To amend sections 6620 and 6621 of the Code of Alabama, 1907.

Commerce and Common Carriers.

By Mr. Long, of Butler.

H. 179. To alter and amend section two thousand and forty-seven (2047) of the Code of Alabama, and to make an additional appropriation for repairs and insurance for the confederate soldiers' home at Mountain Creek.

Appropriations.

By Mr. Arnold.

H. 180. To exempt the district trustees of the public school districts of this State from poll tax and road duty.

Judiciary.

By Mr. Elrod.

H. 181. To better support and maintain the county high schools in this State.

Education.

By Mr. Elrod.

H. 182. To encourage a better system of agriculture in this State.

Agriculture.

By Mr. Henley.

H. 183. To amend section 6957 of the Code of Alabama, 1907.

Game, Fish and Forestry Preservation.

By Mr. Lee, of Etowah. (By request.)

H. 184. To amend section 6 of an act approved July 17, 1907, entitled "An act to amend sections 6, 9, 10, 16, 17, 19 and 20 of an act entitled "An act to provide for the re-districting of the public schools of the State and for the management and control of the same," approved September 30, 1903."

Education.

By Mr. Benners. (With notice and proof.)

H. 185. To authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of the county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the legislature from said county. And this act is to apply to and include all local bills

for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill and no other.

Local Legislation.

Notice and proof H. 185:

NOTICE.

Of intention to introduce local bill pertaining to Hale county, at the next session of the Legislature of Alabama.

Notice is hereby given that the following bill will be presented for enactment into law by the Legislature of Alabama at the extra session which convenes on the 27th day of July, 1909:

A bill to authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of the county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the Legislature from said county. And this act is to apply to and include all local bills for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill, and no other.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Hale county be authorized and directed to pay for advertising the notice of local bills introduced in the Legislature for said county out of the money in the treasury not otherwise appropriated when the bill applies to the entire county; and is published by the authority and request of a member of the Legislature for said county. This to apply to and include all local bills for Hale county enacted into law at the session of 1907, and specifically the Hale county road law, this present bill and no other.

State of Alabama, }
 Hale County. }

Personally appeared before me, Edwin S. Jack, a notary public in and for said State and county Geo. K. Keady, who says on oath that the notice above of intention to introduce a local bill in the Legislature of Alabama, was published in the Alabama Beacon, a newspaper published in Greensboro, Hale county, which is published by affiant, for four successive weeks, towit, July 9th, July 11th, July 23, and July 30, 1909.

GEO. K. KEADY.

Sworn to and subscribed before me on this the 30th day of July, 1909.

EDWIN S. JACK,
 Notary Public, Hale County, Ala.

By Mr. Benson.

H. 186. To amend section 6971 of the Code of Alabama, of 1907.

Game, Fish and Forestry Preservation.

By Mr. John.

H. 187. To authorize the purchase of school lots on lands in and to which the mineral rights can not be had.

Judiciary.

By Mr. John.

H. 188. To amend section 1912 of the Code.

Revision of Laws.

By Mr. John.

H. 189. To provide for a secretary and other clerical help for the Supreme Court of Alabama, and to provide for the selection and compensation of said secretary and help. and to amend article 2 of chapter 141 of the Code of 1907.

Judiciary.

By Mr. John.

H. 190. To submit to the qualified electors a proposed amendment to the constitution declaring negroes ineligible to hold office in Alabama, to be designated as section 280. a.

Privileges and Elections.

By Mr. John. (By request.)

H. 191. To amend section 4196 of the Code of Alabama.

Judiciary.

By Mr. John. (By request.)

H. 192. Authorizing grantees in conveyances of real property which correctly describe the real property intended to be conveyed to maintain in the chancery courts of this State, or in courts of this State having like jurisdiction, bills for the correction of conveyances which were intended to convey said lands, where a mistake was made in the description of the lands in the conveyance so sought to be corrected, when the party filing said bill has title by direct conveyance or by mesne conveyances from the grantee in the conveyance sought to be corrected.

Judiciary.

By Mr. Glover.

H. 193. To authorize boards of revenue and courts of county commissioners to make appropriations for the installation and maintenance of exhibits of the agricultural and mineral resources of their counties.

Agriculture.

By Mr. Glover.

H. 194. To authorize the commissioner of agriculture to install and maintain exhibits of the agricultural and mineral resources of the State.

Agriculture.

By Mr. Mitchell.

H. 195. To submit to the qualified electors a proposed amendment to the constitution providing for the collection of delinquent poll taxes by legal process to be designated as sec. 194 a.

Privileges and Elections.

By Mr. Mitchell. (Notice and proof.)

H. 196. To repeal "An act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved December 5, 1900.

Local Legislation.

Notice and proof H. 196:

NOTICE.

I shall apply to the Legislature for repeal "An act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved Dec. 5, 1900. Applies to exemptions of road apportioners and overseers.

C. E. MITCHELL.

PUBLISHER'S AFFIDAVIT.

The State of Alabama, }
Marion County }

Before me, Mack Pearce, judge of probate, in and for said county, State aforesaid, personally appeared G. J. Wilson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the town of Hamilton, State and county aforesaid, and that a certain advertisement (a true copy of which is hereunto attached), has been published in said newspaper for four consecutive weeks prior to the 22nd day of July, 1909, and the respective numbers and dates of said newspaper in which said publication was made are the following: No. 23, the 10th day of June, 1909; No. 24, the 17th day of June, 1909; No. 25, the 24th day of June, 1909; No. 26, the 1st day of July, 1909. Said notice relates to the repeal of an act to repeal Sec. 2455, Code of 1896, and was published without cost to the State.

G. J. WILSON,
Publisher.

Sworn to and subscribed before me this 22nd day of July, 1909.

MACK PEARCE,
Judge of Probate.

By Mr. Hoffman.

H. 197. To amend section 6250 of the Code.
Revision of Laws.

By Mr. Hoffman.

H. 198. To amend section 6349 of the Code.
Revision of Laws.

By Mr. Lacy, of Walker.

H. 199. To amend section 6964 of the Code.
Game, Fish and Forestry Preservation.

By Mr. Lacy, of Walker.

H. 200. To provide a game and fish protective fund for each county in the State, and prescribe how the same shall be used.

Game, Fish and Forestry Preservation.

By Mr. Rattray.

H. 201. To provide for the payment of fees and necessary expenses incurred in the capture of criminals who flee into another State, and who, when captured return without requisition from the Governor.

Judiciary.

By Mr. Woolf. (Notice and proof.)

H. 202. To create and establish the Marengo law and equity court for Marengo county.

Judiciary.

Notice and proof H. 202:

NOTICE.

To whom it may concern:

Notice is hereby given that at the next session of the Legislature of Alabama, whether the same be a special or regular session, a bill will be introduced, the substance of which is as follows:

To establish for the county of Marengo county an inferior court of law and equity, which shall be a court of record; to prescribe and define the jurisdiction and powers of said court, and to provide rules of pleadings, procedure and practice therefor; to provide for a judge, solicitor, and other officers for said court; to provide for the compensation of the judge, solicitor and other officers of said court; and how and out of what funds the same shall be paid; to prescribe and define the authority, powers and duties of the judge, solicitor and other officers of said court; to prescribe and fix the terms of said court, and the time when and places where the same shall be held; to provide for two divisions of said court, and designate and specify what territory of Marengo county shall be embraced in each division of said court; to prescribe and provide the venue of actions in said

court; to provide for the holding of jury terms of said court, and to prescribe when and where said jury terms shall be held; to prescribe and fix the qualifications and exemptions of jurors in said court, and how and what persons shall be liable to jury duty therein, their compensation, and how and out of what funds they shall be paid; to provide for a jury commission to prepare and draw the juries for said court, and to prescribe and define the duties of said jury commission, and the manner in which the juries shall be drawn, impaneled and summoned; to prescribe and provide at what places the records, books, papers and files of said court shall be kept in each division of said court; to provide for appeals to said court from municipal, justices of the peace and other inferior courts of Marengo county, and to provide for the binding over to said court of defendants in criminal cases where the municipal, justices of the peace or other inferior courts has not jurisdiction to try the case; to provide for the mode, time and place of sale of real property under processes issued out of said court; to provide for the trial of persons charged with misdemeanors upon information, the manner in which such trial shall be conducted, and the procedure and practice in such cases; to provide that the defendants in misdemeanor cases shall be tried by the judge without a jury unless a jury trial be demanded by the defendant in writing filed with the clerk of said court upon his first appearance before the judge thereof; to prescribe and fix fees of the officers, jurors and witnesses in said court, the way in which and the funds out of which they shall be paid; to provide for the change of venue to another than Marengo county, circuit and chancery courts of Marengo county into said court, and prescribe the manner in which such transfers shall be made; to provide for the establishment of a separate fine and forfeiture fund in the treasury of Marengo county, to prescribe the manner in which the same shall be kept, what moneys shall be placed to the credit of said fund, and the disposition to be made thereof: to prescribe in what way the fines and forfeitures accruing in said court shall be paid and how and in what way the same shall be dispos-

ed of; to provide for the collection of Marengo county's portion of the hire of convicts by said court, and for the disposition of the same when collected; to provide for the payment of all of the costs and expenses of said court and to prescribe how and out of what funds the same shall be paid; to provide for the trial of civil cases without a jury unless a jury be demanded by either party as provided for in this bill, to provide that before court can be held under the provisions of said bill the city of Demopolis must provide and furnish, without cost or expense to Marengo county, suitable and necessary buildings in which to hold said court, and for the safe keeping of the prisoners and the records of said court, and also to provide the necessary offices for the officers of said court; to provide for appeals from said court to the supreme court of Alabama, and to provide that the supreme court shall have appellate and supervisory jurisdiction over said court, and that no appeal shall lie from said court to the circuit or chancery court of Marengo county, but all such appeals shall be taken direct to the supreme court; to provide for the repeal of all laws, general, special or local, in conflict with the provisions of said bill; and to provide that if any section or provision of said bill shall be held to be void or unconstitutional, it shall not effect or destroy the validity or constitutionality of any other section or provision of said bill which is not of itself void or unconstitutional.

E. J. GILDER,
J. B. PEARIN,
B. G. WILSON,
L. R. WILSON,
C. D. ABRAHAM,
W. F. HERBERT,
HENRY MCDANIEL,
GOODMAN G. GRIFFIN,
C. L. KELLEY.

Demopolis, Ala., June 30, 1909.

State of Alabama, }
Marengo County. }

This day personally appeared before me, J. B. Hearin,
notary public in and for said county and State, E. B.

McCarty, who, being by me duly sworn, says on oath that the annexed and foregoing advertisement of notice of intention to introduce a bill in the Legislature of Alabama, providing for the creation and establishment of a law and equity court for Marengo county, Alabama, was published in the Demopolis Times, a newspaper published in said county and State, once a week for four consecutive weeks, beginning July the 8th, 1909, and published in said paper on said day and also on the 15th day of July, 1909, on the 22nd day of July, 1909, and on the 29th day of July, 1909, and that affiant is and was at the time of said publication editor and general manager of said Demopolis Times, which is a newspaper published in Demopolis, Marengo county, Alabama, and affiant makes this affidavit of his own knowledge.

E. B. McCARTY.

Sworn to and subscribed before me, this the 29th day of July, 1909.

JESSE B. HEARIN,

Notary Public, Marengo County, Alabama.

By Mr. Mayfield.

H. 203. To amend section 16 of an act, entitled "An act to provide for the organization, incorporation, government, and regulation of cities and towns, and to define the rights, powers, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the Municipal Code Bill.

Municipal Organization.

By Mr. Coleman.

H. 204. To submit to the qualified electors of the State at the general election to be held on the first Tuesday after the first Monday in November, 1910, for their consideration an amendment to sections 178 and 194 of article 8 of the constitution, relating to the qualification of voters and the poll tax and the time and manner of collecting the same.

Privileges and Elections.

By Mr. Cranford.

H. 205. To submit to the qualified electors of the State of Alabama at the general election to be held on

the first Tuesday after the first Monday in November, 1910, for the consideration an amendment to the constitution of Alabama, for the purpose of allowing cities and towns in the State to levy and collect a tax at the rate of not exceeding one percentum of the value of all subjects of taxation as assessed for the State taxation during the preceding year, for the purpose of paying the expenses of the city or town government.

Municipal Organization.

SPECIAL ORDER.

Under the resolution heretofore adopted, the House proceeded to the consideration of the special order, which was

H. J. R. 7. as follows:

JOINT RESOLUTION

Of the Legislature of the State of Alabama, ratifying the 16th amendment of the Constitution of the U. S.

Whereas, the congress of the United States, on July -, 1909, adopted a joint resolution, proposing an amendment to the constitution of the United States, as follows:

“Resolved, by the Senate and House of Representatives of the U. S. A., in congress, assembled, two-thirds of each House concurring therein, that, the following article is proposed as an amendment to the constitution of the United States, which, when ratified, by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes, as a part of the constitution:”

Article XVI. The congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census, or enumeration.”

And the foregoing proposed amendment having been laid before the Legislature of the State of Alabama, for consideration and action: now, therefore, be it resolved by the Legislature of the State of Alabama, That the foregoing amendment to the constitution of the United

States be, and the same is hereby ratified to all intents and purposes, as a part of the constitution of the United States.

2. That the governor of this State is hereby requested to forward to the president of the United States an authentic copy of the foregoing joint resolution.

And the resolution was read a third time at length and passed.

Yeas, 81; nays, 0.

Yeas:

Messrs. Speaker	Garner	Peete
Alford	Glover	Pitts (Perry)
Altman	Henley	Powell (Bullock)
Arnold	Hoffman	Pratt
Arrington	Hughes	Price
Avery	John	Pugh
Ballard (Autauga)	Johnson	Rainer
Ballard (Pike)	Jones	Rattray
Baltzell	Killen	Rice
Barton	King	Rowe
Benness	Lacy (Dallas)	Rushton
Benson	Lacy (Walker)	Sample
Bloch	Lancaster	Sanders
Bulger	Lee (Barbour)	Sanford
Cannon	Lee (Etowah)	Seale
Carmichael	Lindsey	Smith (Elmore)
Coleman	Long (Butler)	Smith (Etowah)
Cooper	Long (Morgan)	Smith (Lee)
Cranford	Lyons	Stollenwerck
Crum	Malone	Tarrant
Cunningham	Mayfield	Thompson
Doyle (Clarke)	Mitchell	Urquhart
Doyle (Marengo)	Moore	Wittmeier
Dudley	McCrory	White (Lamar)
Edwards	McDuffie	White (Perry)
Elrod	McMillan	Williams (Lee)
Fuller	Pearson	Woolf

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On motion of Mr. John, the H. J. R. 7, was ordered sent forthwith to the Senate without engrossment.

BILL ON THIRD READING.

H. 33. To make an appropriation for the payment of expenses incurred in publication of the proclamations of governor on the three constitutional amendments voted on at the election held in this State on Nov. 3, 1908.

Was read a third time, at length and passed; yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Hoffman	Peete
Alford	John	Powell (Bullock)
Altman	Johnson	Pratt
Arnold	Jones	Price
Arrington	Killen	Pugh
Avery	King	Rainer
Ballard (Autauga)	Lacy (Dallas)	Rattray
Ballard (Pike)	Lacy (Walker)	Rice
Baltzell	Lancaster	Rowe
Barton	Lawson	Rushton
Benness	Lee (Barbour)	Sample
Benson	Lee (Etowah)	Sanders
Bloch	Long (Butler)	Seale
Bulger	Lyons	Smith (Elmore)
Cannon	Malone	Smith (Lee)
Coleman	Mastin	Tarrant
Cooper	Mayfield	Urquhart
Cunningham	Mitchell	Wittmeier
Doyle (Clarke)	Moore	White (Lamar)
Doyle (Marengo)	McCrary	White (Perry)
Edwards	McDuffie	Williams (Barbour)
Elrod	McMillan	Williams (Lee)
Garner	Pearson	Woolf

—69

And the bill, H. 33, was ordered sent forthwith to the Senate without engrossment.

RECESS.

The hour of one o'clock having arrived under the resolution heretofore adopted, the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

LEAVE OF ABSENCE.

Was granted to Mr. Mastin for this afternoon.

SPECIAL ORDER.

On motion of Mr. Hoffman the bill, H. 35, was made a special order to follow immediately after the disposition of H. 21.

MESSAGE FROM THE SENATE.

The Senate has originated and passed the following Senate bills and sends them forthwith to the House.

S. 42. A bill to be entitled an act to amend section 3374 of the Code of Alabama.

S. 44. A bill to be entitled an act to amend section 1804 of the Code of Alabama.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 42, S. 44.

BILLS ON THIRD READING.

H. 87. (With amendment.) To amend section 4156 of the Code of 1907.

The question was upon the adoption of the amendment offered by the standing committee on Revision of Laws, said amendment being as follows:

"Amend the bill by adding after the words 'Clerk or Register of the court' the words 'Justice of the Peace or Court of like jurisdiction.'"

And the amendment was adopted.

Yeas, 59; nays, 2.

Yeas:

Messrs. Speaker	Elrod	McDuffie
Altman	Garner	McMillan
Arnold	Glover	Peete
Avery	Henley	Price
Ballard (Autauga)	John	Pugh
Ballard (Pike)	Johnson	Rattray
Barton	Jones	Rushton
Bloch	Killen	Sanders
Bulger	King	Sanford
Cannon	Lacy (Dallas)	Seale
Carmichael	Lacy (Walker)	Smith (Etowah)
Coleman	Lawson	Smith (Lee)
Cooper	Lee (Barbour)	Stollenwerck
Cranford	Lee (Etowah)	Tarrant
Crum	Lindsey	Urquhart
Cunningham	Long (Butler)	Vann
Doyle (Clarke)	Long (Morgan)	Wittmeier
Doyle (Marengo)	Mayfield	Williams (Lee)
Dudley	Mitchell	Woolf
Edwards	Moore	

—59

Nays:

Messrs.

Benners	Hoffman
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—2

And the bill,

H. 87. To amend section 4156 of the Code of 1907.

As amended

Was read a third time, at length and passed; yeas, 63;
nays, 3.

Yeas:

Messrs.

Alford	Ballard (Pike)	Cannon
Altman	Barton	Carmichael
Avery	Benners	Coleman
Ballard (Autauga)	Bloch	Cooper

Cranford	Lancaster	Pugh
Crum	Lawson	Rattray
Cunningham	Lee (Barbour)	Rice
Doyle (Marengo)	Lee (Etowah)	Rushton
Edwards	Lindsey	Sanders
Fuller	Long (Morgan)	Sanford
Garner	Lyons	Seale
Glover	Malone	Smith (Etowah)
Henley	Mayfield	Smith (Lee)
Hoffman	Mitchell	Stollenwerck
Hughes	Moore	Tarrant
John	McDuffie	Urquhart
Johnson	McMillan	Vann
Jones	Pearson	Wittmeier
King	Peete	White (Lamar)
Lacy (Dallas)	Pitts (Perry)	Williams (Lee)
Lacy (Walker)	Price	Woolf

—63

Nays:

Messrs. Speaker	Long (Butler)	Sample
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—3

H. 7. To prohibit the printing or publication in newspapers, magazines, reviews and other publications of like kind or character, the name of any woman or girl upon whom the crime of rape or assault with intent to rape has been committed; and to prohibit the sale or distribution of such publications, containing or publishing the name of such woman or girl.

Was read a third time, at length and passed; yeas, 65; nays, 2.

Yeas:

Messrs. Speaker	Coleman	Hoffman
Altman	Cooper	Hughes
Avery	Crum	John
Ballard (Autauga)	Cunningham	Johnson
Ballard (Pike)	Doyle (Clarke)	Killen
Baltzell	Doyle (Marengo)	Kornegay
Barton	Elrod	Lacy (Dallas)
Benners	Garner	Lacy (Walker)
Cannon	Henley	Lancaster

Lawson	Peete	Smith (Elmore)
Lee (Barbour)	Pitts (Perry)	Smith (Etowah)
Lindsey	Pratt	Stollenwerck
Long (Butler)	Price	Tarrant
Long (Morgan)	Pugh	Thompson
Lyons	Rainer	Urquhart
Malone	Rattray	Vann
Mayfield	Rice	Wittmeier
Mitchell	Rowe	White (Lamar)
Moore	Rushton	White (Perry)
McCrory	Sample	Williams (Lee)
McMillan	Sanders	Woolf
Pearson	Sanford	

—65

Nays:

Messrs.

Bloch

Edwards

—2

On motion of Mr. Fuller, the bill, H. 7, was ordered sent forthwith to the Senate without engrossment.

H. 8. To amend section 7363 of the Code of Alabama of 1907.

Was read a third time, at length and passed; yeas, 54; nays, 10.

Yeas:

Messrs. Speaker	Elrod	Mitchell
Altman	Fuller	Moore
Arnold	Garner	McCrory
Avery	Henley	McMillan
Ballard (Autauga)	Hughes	Pearson
Benners	John	Pitts (Perry)
Cannon	Johnson	Pratt
Carmichael	Jones	Price
Cooper	King	Pugh
Cranford	Lacy (Walker)	Rice
Crum	Lancaster	Rowe
Cunningham	Lawson	Rushton
Doyle (Clarke)	Lee (Barbour)	Sample
Doyle (Marengo)	Malone	Sanford
Dudley	Mayfield	Seale

Smith (Etowah)
Tarrant
Thompson

Urquhart
Vann
Wittmeier

White (Lamar)
Williams (Lee)
Woolf

—54

Nays:
Messrs.

Bloch
Edwards
Glover
Hoffman

Long (Morgan)
Lyons
Rainer

Ratray
Sanders
Stollenwerck

—10

H. 60. To educate the children of Alabama on the evils of intemperance.

Was read a third time, at length and passed; yeas, 50; nays, 11.

Yeas:

Messrs. Speaker
Altman
Arnold
Ballard (Autauga)
Ballard (Pike)
Baltzell
Benners
Cannon
Carmichael
Cooper
Cunningham
Doyle (Clarke)
Doyle (Marengo)
Elrod
Fuller
Garner
Glover

Henley
Hughes
John
Jones
Killen
Lancaster
Lawson
Lee (Barbour)
Lindsey
Long (Morgan)
Malone
Mayfield
Mitchell
Moore
McCrary
McDuffie
McMillan

Pearson
Peete
Pitts (Perry)
Pugh
Rowe
Rushton
Sample
Sanford
Smith (Elmore)
Tarrant
Urquhart
Vann
Wittmeier
White (Lamar)
Williams (Lee)
Woolf

—50

Nays:
Messrs.

Alford
Avery
Barton
Bloch

Edwards
Hoffman
Pratt
Ratray

Sanders
Stollenwerck
White (Perry)

—11

H. 61. To prohibit the display of nude pictures of a man, woman or girl in any public place except art galleries.

Was read a third time, at length and passed; yeas, 50; nays, 6.

Yeas:

Messrs. Speaker	Fuller	Peete
Altman	Garner	Pitts (Perry)
Arnold	Henley	Pugh
Avery	Hughes	Rattray
Ballard (Autauga)	John	Rowe
Ballard (Pike)	Jones	Rushton
Benners	Killen	Sample
Bloch	King	Sanders
Bulger	Lacy (Dallas)	Sanford
Cannon	Lee (Barbour)	Smith (Elmore)
Carmichael	Malone	Stollenwerck
Cooper	Mayfield	Tarrant
Crum	Mitchell	Urquhart
Cunningham	Moore	Wittmeier
Doyle (Clarke)	McDuffie	White (Lamar)
Doyle (Marengo)	McMillan	Williams (Lee)
Elrod	Pearson	

—50

Nays:

Messrs.

Barton	Hoffman	Pratt
Edwards	Long (Morgan)	White (Perry)

—6

H. 24. To legalize and to authorize and instruct the county treasurer of Crenshaw county, Alabama, to pay warrant number 34 and warrant number 80 issued by the court of county commissioners of said county at the August term, 1898, and August term, 1899, of said court for forty-two dollars and ninety-four dollars respectively, with interest thereon from the date of issuance out of any money in the treasury not otherwise appropriated, which warrants were duly filed and registered by the county treasurer of said county on the 11th day of August, 1898, and the 17th day of August, 1899 respectively.

Was read a third time, at length and passed; yeas, 69; nays, 1.

Yeas:

Messrs. Speaker	John	Peete
Altman	Johnson	Pitts (Perry)
Arnold	Jones	Pratt
Avery	Killen	Price
Ballard (Autauga)	King	Pugh
Ballard (Pike)	Lacy (Dallas)	Rainer
Barton	Lacy (Walker)	Rice
Benson	Lancaster	Rowe
Bloch	Lawson	Rushton
Cannon	Lee (Barbour)	Sample
Carmichael	Lee (Etowah)	Sanders
Cooper	Lindsey	Sanford
Cranford	Long (Butler)	Smith (Elmore)
Crum	Long (Morgan)	Smith (Etowah)
Cunningham	Lyons	Smith (Lee)
Doyle (Clarke)	Malone	Stollenwerck
Doyle (Marengo)	Mayfield	Tarrant
Elrod	Middleton	Urquhart
Fuller	Moore	Vann
Glover	McCrary	Wittmeier
Henley	McDuffie	White (Lamar)
Hoffman	McMillan	Williams (Lee)
Hughes	Pearson	Wolf

—69

Nays:

White (Perry)

—1

H. 80. To repeal an act entitled "An act to provide for the working of the public roads of Hale county, Alabama, for levying a tax for the same and how same shall be expended," approved August 7th, 1907.

Was read a third time, at length and passed; yeas, 71; nays, 0.

Yeas:

Messrs. Speaker	Arrington	Baltzell
Alford	Avery	Barton
Altman	Ballard (Autauga)	Benners
Arnold	Ballard (Pike)	Bloch

Bulger	Killen	Pratt
Cannon	King	Pugh
Carmichael	Lacy (Walker)	Rainer
Coleman	Lancaster	Rattray
Cooper	Lawson	Rice
Cranford	Lee (Barbour)	Rowe
Crum	Lindsey	Rushton
Cunningham	Long (Butler)	Sample
Doyle (Clarke)	Long (Morgan)	Sanders
Doyle (Marengo)	Lyons	Sanford
Edwards	Malone	Smith (Elmore)
Elrod	Mayfield	Stollenwerck
Fuller	Mitchell	Tarrant
Garner	Moore	Urquhart
Glover	McCrory	Wittmeier
Henley	McDuffie	White (Lamar)
Hughes	McMillan	White (Perry)
John	Pearson	Williams (Lee)
Johnson	Peete	Woolf
Jones	Pitts (Perry)	

—71

H. 1. To provide for the relinquishment of business by mutual aid or industrial associations and corporations.

Was read a third time, at length and passed; yeas 59; nays, 6.

Yeas:

Messrs. Speaker	Cranford	Lawson
Altman	Cunningham	Lee (Etowah)
Arnold	Doyle (Marengo)	Long (Butler)
Avery	Dudley	Long (Morgan)
Ballard (Autauga)	Fuller	Malone
Ballard (Pike)	Garner	Mayfield
Barzen	Glover	Mitchell
Barton	Henley	Moore
Benners	John	McCrory
Benson	Johnson	McCurdy
Bloch	Jones	McDuffie
Burney	Killen	McMillan
Carmichael	Lacy (Walker)	Pearson
Cooper	Lancaster	Peete

Pitts (Perry)
Pugh
Rainer
Rattray
Rice
Rowe

Rushton
Sample
Sanders
Seale
Tarrant
Thompson

Turner
Urquhart
Vann
Wittmeier
Woolf

—59

Nays:
Messrs.

Cannon
Edwards

Hoffman
Pratt

Stollenwerck
White (Lamar)

—6

H. 2. To amend section 4591 of the Code of Alabama, 1907.

Was read a third time, at length and lost; yeas, 38; nays, 26.

Yeas:
Messrs.

Arnold
Ballard (Autauga)
Ballard (Pike)
Baltzell
Barton
Benmers
Bloch
Bulger
Carmichael
Cranford
Dudley
Fuller
Garner

Glover
Henley
Hughes
John
Jones
King
Lancaster
Lawson
Lee (Barbour)
Long (Morgan)
Moore
McCrory
McMillan

Pearson
Peete
Rattray
Rushton
Sample
Sanders
Sanford
Seale
Thompson
Turner
Urquhart
Williams (Lee)

—38

Nays:

Messrs. Speaker

Alford
Altman
Avery
Cannon
Cunningham
Edwards
Elrod
Hoffman

Johnson
Lacy (Walker)
Lindsey
Malone
Mayfield
Mitchell
Pitts (Perry)
Pratt
Pugh

Rainer
Rice
Rowe
Vann
Wittmeier
White (Lamar)
White (Perry)
Woolf

—26

H. 3. To amend section 2089 of the Code of Alabama, 1907.

Was taken up. Mr. Rice moved that the further consideration of the bill, H. 3, be postponed until tomorrow, and the motion prevailed.

H. 5. To amend section 7424 of the Code of Alabama, 1907.

Was read a third time, at length and passed; yeas, 58; nays, 1.

Yeas:

Messrs. Speaker	Garner	Moore
Altman	Glover	McCrary
Armstrong	Henley	McMillan
Arnold	Hughes	Pearson
Ballard (Autauga)	John	Peete
Ballard (Pike)	Johnson	Pitts (Perry)
Barton	Jones	Pugh
Benners	Killen	Rainer
Benson	King	Ratray
Bloch	Lacy (Walker)	Rice
Cannon	Lancaster	Rushton
Carmichael	Lawson	Sample
Cooper	Lee (Barbour)	Seale
Cranford	Lindsey	Stollenwerck
Doyle (Clarke)	Long (Butler)	Urquhart
Doyle (Marengo)	Lyons	Vann
Dudley	Malone	Wittmeier
Edwards	Mayfield	White (Lamar)
Elrod	Mitchell	White (Perry)
Fuller		

—58

Nays:

Hoffman

—1

H. 26. To amend sections 4581 and 4582 of the Code of Alabama, 1907.

Was taken up. Pending the further consideration of the bill H. 26, the hour of 5:30 o'clock having arrived, the House stood adjourned until 9:30 o'clock tomorrow morning.

SIXTH DAY.

House of Representatives,

MONTGOMERY, Ala., Tuesday, August 3, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Dr. Johnson of Ensley.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Duuey	Lee (Houston)
Alford	Edwards	Lindsey
Altman	Elrod	Long (Butler)
Arnold	Fuller	Long (Morgan)
Arrington	Garner	Lyons
Avery	Glover	Malone
Ballard (Autauga)	Gunter	Mastin
Ballard (Pike)	Haley	Mayfield
Baltzell	Henley	Mitchell
Barton	Hoffman	Moore
Benners	Hughes	McCrory
Benson	Jenkins	McCurdy
Bloch	John	McDuffie
Bulger	Johnson	McMillan
Burney	Jones	Norville
Cauna	Killen	Oliver
Carmichael	King	Parker
Coleman	Kirby	Pearson
Cooper	Lacy (Dallas)	Peete
Cranford	Lacy (Walker)	Pitts (Dallas)
Crum	Lancaster	Pitts (Perry)
Cunningham	Lawson	Powell (Bullock)
Doyle (Clarke)	Lee (Barbour)	Powell (Covington)
Doyle (Marengo)	Lee (Etowah)	Pratt

Price	Sanford	Turner
Pugh	Seale	Urquhart
Ragsdale	Sherrod	Vann
Rainer	Smith (Elmore)	Wittmeier
Rattray	Smith (Etowah)	White (Lamar)
Rice	Smith (Lee)	White (Perry)
Rowe	Stollenwerck	Williams (Barbour)
Rushton	Tarrant	Williams (Lee)
Sample	Thompson	Woolf
Sanders	Tunstall	

—101

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the fifth day and find the same correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the fifth day was approved.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. S. P. Gaillard, of Mobile, Hon. H. L. Martin, of Ozark, Hon. M. Sollie, of Ozark, Dr. W. M. Faulk, of Tuscaloosa, Hon. J. F. Richburg, of Florida, Hon. Fred M. Jackson, of Birmingham, Hon. M. T. Ormond, of Tuscaloosa, Hon. L. W. Kolb, of Ozark, Hon. Jno. A. Steele, of Colbert, and Hon. R. M. Cunningham, of Jefferson, for today.

LEAVE OF ABSENCE

Was granted to Mr. Maner for today and yesterday.

MEMORIALS.

Mr. Rowe presented a memorial from the Madison County Sunday School Association requesting the Legislature to pass a law to strengthen the prohibition laws which was read one time and referred to the standing committee on Temperance.

Mr. Mayfield presented a memorial from the members of the commissioners' court of Tuscaloosa county protesting against the bill forming a new county to be called "Pettus," which was referred to the standing committee on Counties and County Boundaries.

Mr. Mayfield presented a memorial from the citizens of Tuscaloosa county protesting against the bill forming a new county to be called "Pettus" which was referred to the standing committee on Counties and County Boundaries.

SPECIAL ORDER.

On motion of Mr. Lyons, the bill H. 13 was made a special order for Wednesday, immediately after the call of committees.

RESOLUTIONS.

Mr. John offered the following H. J. Resolution which was read one time and referred to the standing committee on Judiciary.

By Mr. John.

H. J. R. 28. Whereas, in the Federal courts an "attorney's tax fee" of \$20.00 in each case, under the Federal law and rule of practice, is taxed and collected in favor of the attorney of the prevailing party-litigant, and whereas, there is doubt, the opinions of lawyers differing on the point, as to the proper disposition of such fee when disbursed to the attorney general.

Therefore, be it resolved, by the House, the Senate concurring, That whenever the attorney general has received or may receive such "attorney's tax fee" of \$20.00 in a case in a Federal court, it is to be retained by him and shall not be construed as included among the fees to

which he is entitled under the law of Alabama, and which are required by law to be paid into the State treasury.

BILLS ON SECOND READING.

Mr. Lyons, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 13. To appropriate the sum of fifty thousand dollars, or as much thereof as may be necessary, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending in the federal court, or any litigation which may hereafter be instituted between the various railroads of Alabama and the railroad commission of Alabama, or other State officials.

H. 29. To amend section 1996 of the Political Code of the State of Alabama for the relief of needy confederate soldiers and sailors, resident citizens of the State of Alabama and their widows, putting the words "one thousand dollars" in said section where the words "four hundred dollars" now appears.

H. 138. To amend section 1996 of the Code of 1907.

Mr. Vann, acting chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 79. (With amendment.) To regulate the sale of food and drugs in the State of Alabama and to provide penalties for the violation thereof.

Mr. Woolf, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report.

H. 88. To provide for the consolidation of the various funds in the treasury of the State, and regulating the manner in which appropriations shall be paid out of the consolidated fund.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report.

H. 156. In relation to social clubs, and societies for the social or literary advancement of their members or both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence; to revoke the charter of those not complying with this act; and to prescribe penalties.

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report.

H. 30. To prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited

by law to run at large, upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for violations of the terms of this act under affidavit and warrant or information, and without indictment.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILL REPORTED ADVERSELY.

Mr. Woolf, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report.

H. 108. To amend section 2169 of the Code of Alabama.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Williams, of Barbour.

H. 206. To amend section 985 of the Code of 1907.
Military.

By Mr. Williams, of Barbour.

H. 207. To amend section 929 of the Code of 1907.
Military.

By Mr. Long, of Butler.

H. 208. To define certain passenger traffic contracts between the railroads and the traveling public.
Commerce and Common Carriers.

By Mr. Lacy, of Dallas.

H. 209. To empower cities in Alabama, having not less than twenty-five thousand inhabitants, to regulate and control amusements in such cities.

Municipal Organization.

By Mr. Glover.

H. 210. To require courts of county commissioners and boards of revenue, in the counties where there is

levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money.

Judiciary.

By Mr. Stollenwerck.

H. 211. To amend section 3613 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sanford.

H. 212. To provide for holding the circuit court in new counties.

Judiciary.

By Mr. Sanford.

H. 213. To provide for the removal and transfer, upon the organization of new counties, of all the matters of equity litigation and causes from any court of record held in that part of any old county that is cut off into a new county to the chancery court of the new county.

Judiciary.

By Mr. Sanford.

H. 214. To provide for the removal and transfer, upon the organization of new counties, of all matters of litigation except equity cases, from any court of record held in that part of any old county that has been cut off into a new county, to the circuit court of the new county.

Judiciary.

By Mr. Sanford.

H. 215. To provide for holding the chancery court in new counties.

Judiciary.

By Mr. Ragsdale.

H. 216. To propose an amendment to the constitution of the State of Alabama for the purpose of amending section 38 of article 2 thereof, and to order an election for its ratification.

Counties and County Boundaries.

By Mr. Ragsdale.

H. 217. To provide for the creation and establishing of new counties in the State of Alabama out of portions of any county or counties of the State.

Counties and County Boundaries.

By Mr. Ragsdale.

H. 218. To propose an amendment to the constitution of the State of Alabama, for the purpose of providing for the formation and establishing of new counties out of portions of one, two or more counties as may be desired.

Counties and County Boundaries.

By Mr. Bloch. (With Notice and Proof.)

H. 219. For the relief of Dr. Philip V. Speir.

Appropriations.

Notice and proof H. 219:

Notice is hereby given that application will be made to the Alabama Legislature, for relief for medical services in the last illness of Alex Lott, a confederate pensioner, and allow for his burial expenses, be reimbursed to me.

DR. P. V. SPEIR.

State of Alabama, }
Wilcox County. }

Before me, J. N. Stanford, judge of probate in and for said county, in said State, personally appeared Jno. S. Hunter, who first being duly sworn, deposes and says that he is business manager of Wilcox Progressive Era, a newspaper published in said county and State, and that above notice appeared in said paper on July 22, 1909.

JNO. S. HUNTER, Manager.

Subscribed and sworn to before me this 31st day of July, 1909.

J. N. STANFORD,
Judge of Probate.

By Mr. Arrington. (With Notice and Proof.)

H. 220. To regulate and fix the time and places for assessing and collecting taxes of Coffee county.

. Ways and Means.

Notice and Proof H. 220:

Exhibit A.

NOTICE.

Is hereby given that a bill will be introduced in the next Legislature in substance as follows:

To regulate and fix the time and places for assessing and collecting the taxes of Coffee county.

Section 1. Be it enacted by the Legislature of Alabama, That the tax collector and tax assessor shall attend at a voting place in each election precinct, once in each year, from eight o'clock in the morning until four in the afternoon, for the purpose of collecting and assessing the taxes of such precincts, and of the time and purpose of such appointments, he shall give at least thirty days notice, by publication in some newspaper if one is published in the county, and by bills posted at five or more places in each election precinct in the county, and shall keep an office open in some one town of the county from the first day of October until the first day of April following, provided that at appointments in precincts containing a town of over one thousand, they shall remain four days.

Section 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

The State of Alabama,)
County of Coffee. }

Before me, J. M. Loflin, a notary public in and for said county and State, personally appeared G. W. Carlisle, known to me to be the editor and proprietor of the People's Ledger, a newspaper published at Enterprise, Coffee county, Alabama, who being by me first duly sworn, doth state on oath that he is the editor and publisher of said paper; that the same is and has been published and issued regularly in weekly editions in said county for more than twelve months last past and that the notice hereto marked "exhibit A" relating to the collection and assessment of taxes in Coffee county was

published without cost to the State, once a week for four consecutive weeks, in said newspaper in said county, next before the making of this affidavit.

G. W. CARLISLE.

Sworn to and subscribed before me this 29th day of July, 1909. J. M. LOFLIN, Notary Public.

By Mr. Tarrant.

H. 221. To prohibit the issuing or giving away in connection with the sale of any article of goods, wares, or merchandise, certain stamps to be redeemed in something uncertain, commonly called "trading stamps;" or other like devices, said stamps or other devices being redeemable by a third person or party; and to provide penalty for violations of said act, and for other purposes.

Commerce and Common Carriers.

By Mr. Gunter. (With Notice and Proof.)

H. 222. To fix the salaries of the judge and associate judge of the city court of Montgomery.

Judiciary.

Notice and proof H. 222:

NOTICE.

Notice is hereby given of the intention to apply for the passage of a local law by the next ensuing called session of the Legislature, which proposed law shall provide that from and after the passage of such act, the salaries of the judge and associate judge of the city court of Montgomery shall be four thousand (4,000) dollars per annum for each, payable as now provided by law, in monthly installments; and that the amount of such salaries in excess of the amount payable out of the treasury of the State, shall be paid out of the treasury of Montgomery county in monthly installments by warrants drawn by the board of revenue of Montgomery county on the treasurer of said county.

State of Alabama, }
 Montgomery County. }

Personally appeared before me, H. F. Crenshaw, a notary public in and for said State and county, J. B. Stern, known to me, who being duly sworn doth depose and say that he is the manager of the Montgomery Times, and that the annexed publication has been regularly made once a week for four consecutive weeks, to-wit, on July 7, July 14, July 21 and July 28, 1909, in the said Montgomery Times, a newspaper printed and published in the city and county of Montgomery, State of Alabama.

J. B. STERN,

Manager, The Montgomery Times.

Sworn to and subscribed before me, this 29th day of July, 1909.

H. F. CRENSHAW,

Notary Public.

By Mr. Bulger.

H. 223. To amend section 7851 of the Code of Alabama.

Judiciary.

By Mr. Haley.

H. 224. To authorize and empower cities of the State of Alabama having, according to the next preceding census, a population of more than thirty-five thousand, to compel the construction and maintenance of bridges, viaducts and tunnels and their approaches, over, under, or across railroad tracks within the city limits of such cities; and to provide for defraying the expenses of the same, and penalties for the violation of this act.

Municipal Organization.

By Mr. Haley.

H. 225. To amend section 4764 of the Code of Alabama.

Municipal Organization.

By Mr. Gunter.

H. 226. To amend sections 161, 162, 163, and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the

officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13, 1907.
Municipal Organization.

By Mr. Gunter. (By request.)

H. 227. To amend section 20 of an act approved August 13th, 1907, to provide for the organization, incorporation, government and regulation of cities and towns, to define the rights, powers, duties, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for the violations of the provisions of this act.

Municipal Organization.

By Mr. Gunter.

H. 228. To authorize and regulate the deposit of county funds in bank.

Judiciary.

By Mr. Gunter.

H. 229. To amend section 534 of the Code of Alabama.

Privileges and Elections.

By Mr. Gunter.

H. 230. To amend an act to further regulate elections in the State of Alabama, approved November 23, 1907.

Privileges and Elections.

By Mr. Hoffman.

H. 231. To require the prompt settlement of death claims by life insurance companies doing business in this State.

Banking and Insurance.

Chief Executive Department, Alabama.

To the Speaker of the House of Representatives:

I am directed by the Governor to transmit to the House a message in writing with accompanying documents.

JOHN D. MCNEEL, Private Secretary.

Montgomery, Aug. 3, 1909.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

Replying to the request of your honorable body for an itemized statement showing the expenditures made by the State in the litigation between the State and the railroads, I return herewith itemized statements certified to by the Auditor's department.

Under the act appropriating money to defray the expenses of the Railroad Commission in litigation with the railroads of Alabama there has been drawn out of the treasury the sum of nine thousand nine hundred seven dollars and forty seven cents (\$9,907.47). Of this sum there will be returned to the State eight thousand three hundred forty-two dollars and sixty cents (\$8,342.60), as soon as the various railroads pay the amounts that have been decreed against them by the United States Circuit Court of Appeals, which amounts the said railroads have agreed to pay without the issuance of executions from the United States Court.

Under section 5723 of the Code attorney's fees and expenses to the amount of twenty-two thousand three hundred and ninety dollars and seventy-seven cents (\$22,390.77) have been drawn out of the treasury. This amount has gone to the payment of attorneys for fees and expenses in the following cases:

In the railroad cases before Judge Jones and the United States Federal Court of Appeals at New Orleans; in the case before the Federal Court in Atlanta, which sought to enjoin the railroads from increasing interstate freight rates on all food stuffs, and which is now before the Interstate Commerce Commission at Washington and also in the Supreme Court of the United States on appeal taken by the railroads.

B. B. COMER, Governor.

Montgomery, Ala., July 30, 1909.

STATEMENT

Showing Disbursements for Special Counsel Employed
by Governor, Under Section 52 of an Act
Approved February 23rd, 1907.

1907.

June 7, Horace Stringfellow, retainer's fee	\$500.00
Sept. 3, H. C. Selheimer, retainer's fee	500.00
S. D. Weakley, retainer's fee	500.00
F. S. White, retainer's fee	500.00
Oct. 29, R. W. Walker, retainer's fee	500.00
Nov. 9, S. D. Weakley, expenses	185.35
Nov. 9, H. C. Selheimer, expenses	179.37
Nov. 23, H. C. Selheimer, expenses	88.17
S. D. Weakley, expenses	36.66
S. D. Weakley, on fees legal services	1,500.00
Nov. 26, H. C. Selheimer, on fees legal services	1,500.00

1908.

Feb. 1, H. C. Selheimer, on fees legal services	2,735.08
S. D. Weakley, on fees legal services	2,688.97
Horace Stringfellow	1,047.00
May 8, H. C. Selheimer, expenses	103.24
May 19, H. C. Selheimer, expenses	52.37
Aug. 12, S. D. Weakley, on fees	600.00
Nov. 28, H. C. Selheimer, expenses	126.08

1909.

Jan. 5, Horace Stringfellow, fees	1,000.00
Mar. 23, H. C. Selheimer, fees and expenses	3,053.67
S. D. Weakley, fees and expenses	2,678.76
May 15, H. C. Selheimer, expenses	96.66
May 24, S. D. Weakley, fees	1,000.00
May 25, H. C. Selheimer, fees	1,000.00
June 23, S. D. Weakley, expenses	172.37
June 23, H. C. Selheimer, expenses	47.02

Total \$22,390.77

August 3, 1909.

I, E. W. Hausman, Warrant Clerk in the State Auditor's office, do hereby certify that the attached statement

is true and correct to the best of my knowledge and belief.

E. W. HAUSMAN,
Warrant Clerk.

Sworn to and subscribed before me this the 29th day of July, 1909.

K. W. COLLINS,
Notary Public.

DISBURSEMENTS OF FUND

Appropriated to Defray Expenses of Railroad Commission in Litigation with Railroads of Alabama.

1907.

	A. M. Garber, 3 trips to Birmingham	\$43.42
Dec. 11	A. M. Garber, 1 trip to Birmingham	13.53
	J. W. Dimmick, clerk U. S. court making copies of supplemental bills	184.80
14	W. D. Nesbitt, expenses in going to Chicago, Atlanta, and Washington, on Com. business	207.75

1908.

Feb. 14	Nunnelee Printing Co., printing copies of affidavits	45.00
Mch. 3	Alex. M. Garber, expenses	18.08
Apr. 25	Alex. M. Garber, expenses	9.15
July 13	Jos. H. Judkins, U. S. marshal, serving copies	16.00
Aug. 10	W. D. Nesbitt, traveling and incidental expenses	118.50
20	J. W. Dimmick, clerk, transcript of various cases	2,727.60
27	Alex. M. Garber, attorney general, for deposit with clerk of U. S. court of appeals	4,415.00
Sept. 16	W. D. Nesbitt, traveling and incidental expenses	194.51
19	A. M. Garber, expenses	27.25
Oct. 1	A. M. Garber, exp. to Atlanta	37.65
	S. P. Kennedy, exp. to Atlanta	27.03
5	W. D. Nesbitt, exp. to Atlanta, etc.	119.95
26	J. T. Slatter, preparing rate information for R. R. Com. of Ala.	90.00

Nov. 7	A. M. Garber, attorney general for	----	
	Dep. U. S. clerk court of appeals---	1,200.00	
1909.			
Mar. 20	A. M. Garber, exp. New Orleans----	55.50	
May 7	A. M. Garber, exp. Washington----	145.70	
	13 W. H. Parks, costs in case of R. R.		
	Com. vs. C. of Ga. R. R.-----	112.30	
July 20	Stallings & Lacey, stenographic		
	work -----	98.75	
Total-----			\$9,907.47

W. W. BRANDON, State Auditor.

July 28, 1909.

August 3, 1909.

I, E. W. Hausman, Warrant Clerk in the office of the State Auditor, hereby certify that the attached statement is true, and correct, to the best of my knowledge and belief.

E. W. HAUSMAN,
Warrant Clerk.

Sworn to and subscribed before me, this the 29th day of July, 1909.

K. W. COLLINS,
Notary Public.

The above message from the Governor was read at length and ordered spread upon the Journal.

SPECIAL ORDER.

The House proceeded to the consideration of the special order which was the bill, H. 23, and the bill,

H. 23. To provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act.

Was read a third time, at length and passed; yeas, 63; nays, 22.

Yeas :

Messrs. Speaker	John	Rice
Altman	Johnson	Rowe
Arrington	Jones	Rushton
Ballard (Autauga)	Killen	Sample
Ballard (Pike)	King	Sanders
Barton	Lacy (Walker)	Sanford
Benners	Lancaster	Seale
Benson	Lee (Barbour)	Sherrod
Bulger	Lee (Etowah)	Smith (Etowah)
Burney	Long (Morgan)	Smith (Lee)
Crum	Mayfield	Stollenwerck
Cunningham	Mitchell	Tarrant
Doyle (Marengo)	Moore	Thompson
Edwards	McCrary	Tunstall
Garner	McMillan	Turner
Glover	Pearson	Urquhart
Gunter	Peete	Wittmeier
Henley	Pitts (Perry)	White (Lamar)
Hoffman	Price	White (Perry)
Hughes	Pugh	Williams (Barbour)
Jenkins	Rattray	Williams (Lee)

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Nays :**Messrs.**

Alford	Elrod	Norville
Arnold	Fuller	Pitts (Dallas)
Avery	Lacy (Dallas)	Powell (Bullock)
Baltzell	Lawson	Rainer
Bloch	Malone	Smith (Elmore)
Cannon	Mastin	Vann
Carmichael	McCurdy	Wolf
Dudley		

—22

On motion if Mr. Ballard, of Autauga, the bill, H. 23, was ordered sent forthwith to the Senate without engrossment.

On motion of Mr. Rushton the bills, H. 25, H. 31, H. 32, and H. 59, which were special orders for the morning were postponed until tomorrow morning.

SPECIAL ORDER.

The House proceeded to the consideration of the special order which was the bill H. 62.

And the bill,

H. 62. To prohibit misrepresentations, rebating and discriminations by life insurance companies, and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

Was read a third time, at length and passed; yeas, 76; nays, 0.

Yeas:

Messrs. Speaker	Hoffman	Pearson
Alford	Hughes	Pitts (Dallas)
Altman	John	Pitts (Perry)
Arnoid	Johnson	Powell (Bullock)
Avery	Jones	Pratt
Ballard (Autauga)	Killen	Price
Ballard (Pike)	King	Pugh
Baltzell	Kirby	Ratray
Barton	Lacy (Dallas)	Rice
Benners	Lacy (Walker)	Rowe
Benson	Lawson	Rushton
Bloch	Lee (Barbour)	Sample
Bulger	Lee (Etowah)	Sanders
Burney	Long (Butler)	Sanford
Cannon	Long (Morgan)	Seale
Carmichael	Lyons	Sherrod
Cranford	Malone	Smith (Elmore)
Crum	Mastin	Smith (Lee)
Cunningham	Mayfield	Stollenwerck
Doyle (Marengo)	Mitchell	Tarrant
Edwards	Moore	Thompson
Elrod	McCrary	Urquhart
Fuller	McCurdy	White (Lamar)
Garner	McMillan	Williams (Barbour)
Glover	Oliver	Woolf
Henley		

—76

Mr. Hoffman moved to reconsider the vote by which the bill H. 62 was passed and further moved that the motion be postponed until tomorrow one hour after

reading of Journal, and the motion of Mr. Hoffman was lost.

On motion of Mr. Ballard, of Autauga, the bill H. 62 was ordered sent forthwith to the Senate without engrossment.

SPECIAL ORDER.

H. 21. To promote temperance and suppress the evils of intemperance; to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes or devices therefor; and to prohibit the manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and beverages, the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

Was taken up. Mr. Hoffman offered the following amendment to the bill, H. 21:

Amend section one, line nine, by striking out the word "substantial", and insert in lieu thereof "an ingredient, the product not to contain more than two per cent of alcohol, at sixty degrees Fahrenheit," and adding after the word "more" in line 13, the words "except as above provided."

Amend section 4 by adding after the semicolon on line 3 the words "except as herein provided."

On motion of Mr. John the amendment offered by Mr. Hoffman was laid upon the table.

Mr. Pitts, of Dallas, offered the following amendment to the bill:

Amend section 9 by inserting the words "thirty days" after the words "take effect" and before the words "from and after."

Mr. Bloch offered the following amendment to the amendment offered by Mr. Pitts, of Dallas:

Amend section 9 to read: This act shall not become effective until it shall have been submitted to and ratified by a vote of the people at the next general election.

On motion of Mr. Pitts, of Dallas, the amendment to the amendment offered by Mr. Bloch was laid upon the table.

On motion of Mr. Ballard, of Autauga, the amendment offered by Mr. Pitts, of Dallas, was laid upon the table.

Mr. Sample offered the following amendment to the bill, H. 21:

Amend section 9 by adding the following: Provided that, as to the various drinks and beverages now authorized to be sold in this State and which are included in this act, this act shall not be effective until Dec. 31, 1909.

On motion of Mr. Fuller the amendment offered by Mr. Sample was laid upon the table.

Mr. Lacy, of Walker, offered the following amendment to the bill, H. 21:

Amend section 3 of the bill by inserting the words "or any other place not a public place" after the words "private residences" and before the words "in ordinary social intercourse."

On motion of Mr. Bulger, the amendment offered by Mr. Lacy, of Walker, was laid upon the table.

Mr. Jenkins offered the following amendment to the bill, H. 21:

Amend section 5 by adding at the end thereof the following: That the provisions of this section shall not apply to any social club chartered or incorporated prior to November 23, 1907.

On motion of Mr. Rushton, the amendment offered by Mr. Jenkins was laid upon the table.

And the bill,

H. 21. To promote temperance and suppress the evils of intemperance; to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages, defined and set forth in the act, and substitutes or devices therefor; and to prohibit the man-

ufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and beverages, the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

Was read a third time, at length and passed; yeas, 75; nays, 19.

Yeas:

Messrs. Speaker	John	Powell (Covington)
Altman	Johnson	Pratt
Arnold	Jones	Price
Arrington	Killen	Pugh
Avery	King	Rice
Ballard (Autauga)	Kirby	Rowe
Ballard (Pike)	Lancaster	Rushton
Baltzell	Lawson	Sample
Benners	Lee (Barbour)	Sanders
Benson	Lee (Etowah)	Sanford
Bulger	Lindsey	Seale
Burney	Malone	Sherrod
Cannon	Mayfield	Smith (Elmore)
Carmichael	Mitchell	Smith (Etowah)
Cooper	Moore	Smith (Lee)
Crum	McCrory	Tarrant
Cunningham	McCurdy	Thompson
Doyle (Clarke)	McDuffie	Tunstall
Doyle (Marengo)	McMillan	Turner
Elrod	Oliver	Urquhart
Fuller	Pearson	Vann
Garner	Peete	Wittmeler
Haley	Pitts (Dallas)	White (Lamar)
Henley	Pitts (Perry)	White (Perry)
Hughes	Powell (Bullock)	Williams (Lee)

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Nays:

Messrs.

Alford	Block	Edwards
Barton	Dudley	Glover

Gunter	Long (Butler)	Norville
Hoffman	Long (Morgan)	Stollenwerck
Jenkins	Lyons	Williams (Barbour)
Lacy (Dallas)	Mastin	Woelf
Lacy (Walker)		

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REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bill:

H. 10. To make provisions for defraying the expenses of the extraordinary session of the Legislature.

J. S. WILLIAMS, Chairman.

SIGNING OF BILL.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House present, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed:

H. 10. To make provisions for defraying the expenses of the extraordinary session of the Legislature.

And returns same herewith to the House.

J. A. KYLE, Secretary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following House bills:

H. 87, H. 24, H. 60, H. 61, H. 1, H. 5, H. 80.

ERNEST LACY, Chairman.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 23. To amend section 3487 of the Code of Alabama (1907).

S. 24. To confer upon and vest in the board of revenue of Jefferson county, Alabama, exclusively, all the rights, jurisdiction, duties and powers, vested in the Jefferson county sanitary commission.

And sends same herewith to the House with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be presented to the next session of the Legislature of Alabama, whether the same be a special or regular session, for its passage as a law:

A bill to be entitled, an act,

To confer upon and vest in the board of revenue of Jefferson county, Alabama, exclusively, all the rights, jurisdiction, duties and powers, vested in the Jefferson county sanitary commission.

Section 1. Be it enacted by the Legislature of Alabama, That the board of revenue of Jefferson county, shall have and exercise, exclusively, all the duties, jurisdiction, rights and powers, which are now by law vested in the Jefferson county sanitary commission, and the several members of said board of revenue, shall respectively perform all the duties and services and exercise all the power which are required by law of the several members of the Jefferson county sanitary commission.

Sec. 2. That all general laws hereafter enacted by the Legislature of Alabama, in relation to the jurisdiction, powers, authority or duties, of sanitary commissions in this State, shall apply to said board of revenue of Jefferson county.

Sec. 3. That this act shall take effect thirty days after its approval.

JEFFERSON COUNTY SANITARY COMMISSION.

State of Alabama, }
 Jefferson County. }

Personally appeared before me, D. N. Smith, a notary public in and for said county in said State, J. J. Smith, who being duly sworn on oath says: That he is the president of the Ledger Publishing Company, that the above and foregoing bill, was published once a week for four consecutive weeks, in the Birmingham Ledger, a newspaper published by said publishing company, in the city of Birmingham, in said county, and that the first publication of said bill was on the 26th day of June, 1909.

JAMES J. SMITH.

Sworn to and subscribed before me this the 22nd day of July, 1909.

D. N. SMITH,
 Notary Public.

S. 30. To amend section 3046 of the Code of 1907.

S. 32. To provide for the annual reports of registers in chancery, probate judges, sheriffs and clerks of courts of record of all fiduciary funds in their hands in their official capacity.

S. 55. To amend section 5765 of the Code of Alabama of 1907.

S. 57. To repeal sections 4483 and 4484 of the Code of Alabama.

S. 59. To amend section 46 of the Code of Alabama.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 23, S. 30.

Judiciary, S. 32, S. 55, S. 57.

Local Legislation, S. 24.

Appropriations, S. 59.

ADJOURNMENT.

On motion of Mr. Long, of Butler, the House adjourned until 9:30 o'clock tomorrow morning.

SEVENTH DAY.

House of Representatives,
MONTGOMERY, Ala., Wednesday, Aug. 4th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. C. B. Pilley, of Hurtsboro.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Doyle (Marengo)	Lindsey
Alford	Dudley	Long (Butler)
Altman	Edwards	Long (Morgan)
Arnold	Elrod	Lyons
Arrington	Faller	Malone
Avery	Garner	Mastin
Ballard (Autanga)	Glover	Mayfield
Ballard (Pike)	Gunter	Middleton
Baltzell	Haley	Mitchell
Barton	Henley	Moore
Benners	Hoffman	McCordy
Benson	Hughes	McCurdy
Bloch	Jenkins	McDuffie
Brown	John	McMillan
Bulger	Johnson	Norville
Burney	Jones	Oliver
Cannon	Killen	Parker
Carmichael	King	Pearson
Coleman	Kirby	Peete
Cooper	Lacy (Walker)	Pitts (Dallas)
Cranford	Lancaster	Pitts (Perry)
Crum	Lawson	Powell (Bullock)
Cunningham	Lee (Barbour)	Powell (Covington)
Doyle (Clarke)	Lee (Etowah)	Praft

Price	Seale	Turner
Pugh	Sherrod	Urquhart
Rainer	Smith (Elmore)	Vann
Rattray	Smith (Etowah)	Wittmeier
Rice	Smith (Lee)	White (Lamar)
Rowe	Stollenwerck	White (Perry)
Rushton	Tarrant	Williams (Barbour)
Sample	Thompson	Williams (Lee)
Sanders	Tunstall	Woolf
Sanford		

—100

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal beg leave to report as follows:

We have examined the Journal for the sixth day and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the sixth day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Lacy, of Dallas, Lee, of Houston, for today, and to Dr. Ragsdale indefinitely on account of sickness.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. R. M. Goodall and Hon. Jno. W. Tomlinson, of Birmingham, Hon. John Averyt of Shelby, Hon. O. S. Justice, of Elmore, Hon. Jno. T. Heflin, of Randolph, Hon. W. C. Oates, of Montgomery, Hon. M. C. Allgood, of Blount, Dr. J. A. Eason and Dr. J. L. Reynolds, of Dale, for today.

PERSONAL PRIVILEGE.

Mr. Avery arose to a question of personal privilege and stated that he had been quoted by the Montgomery Journal as voting against the bill, H. 21, known as the Carmichael prohibition bill, and when in fact he had voted for the passage of the bill H. 21 and the records of the House so show.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 27. Resolved, That H. 45 proposing an amendment to section 96 of article 4 of the constitution be made a special, continuing paramount order of business for Wednesday afternoon, August 4th, 1909, next after reconvening.

H. R. 29. (Rules Committee.) Resolved, That the House when in session in the afternoon, shall adjourn at 5 o'clock p. m. and that the Judiciary committee shall meet immediately thereafter.

2. That the chairmen of committees who are members of the Judiciary committee are requested not to call their committees to meet at the same hour as the Judiciary committee.

RESOLUTIONS.

The following resolutions were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. McCrory.

H. R. 30. Resolved, That House bill 144 be made a special and continuing order for Thursday, August 5th, 1909, immediately after the report of standing committees.

Rules.

By Mr. Mitchell.

H. R. 31. Resolution in reference to the Code of Alabama, 1907.

Whereas, the act adopting the Code of 1907 was approved July 27, 1907, and,

Whereas, Sec. 3 of said act provided that "all acts of the present session of the Legislature passed on and after July 9th, 1907, which are of a general nature, shall be incorporated in the Code," etc., and,

Whereas, it is a question as to whether or not certain sections of said Code are properly a part of the Code or whether they depend upon the respective acts of the Legislature for their validity.

Now, therefore, be it resolved, That the Judiciary committee is hereby directed to investigate this question to the end that we may know the proper status of this question.

Judiciary.

By Mr. Mastin.

H. R. 32. Resolved, That House bill 65 be taken up for consideration and action by the House tomorrow (Thursday) morning immediately after the report of standing committees.

Rules.

By Mr. Bulger.

H. R. 33. Resolved, That H. 36, on page 8 of the calendar, be made a special paramount continuing order immediately after the call of the counties for the introduction of bills on Friday, August 6th, and two hundred copies of the bill be printed.

Rules.

RESOLUTIONS.

The following House joint resolution, H. J. R. 34, and H. J. R. 35 proposing an amendment to section 39 of article II of the constitution of Alabama were introduced by Mr. Ragsdale, and were on this day, August 4, 1909, read at length one time.

H. J. R. 34. By Mr. Ragsdale.

A JOINT RESOLUTION.

A joint resolution to propose an amendment to the constitution of the State of Alabama, for the purpose of amending section 39 of article II thereof, and to order an election for its ratification.

Be it resolved by the House of Representatives, the Senate concurring, That there shall be and there is hereby proposed an amendment to the constitution of the State for the purpose of amending section 39 of article II by adding thereto and at the conclusion thereof, the following words and figures:

And providing further that out of the county of Jefferson there shall be and there is hereby created and established a new county of less extent than 600 square miles, which shall be called Pettus, and with its boundary lines as follows:

Commencing at a point where the range line dividing ranges 2 and 3 west in township 19 intersects the Cahaba river, thence running north on the said range line to the northeast corner of the southeast quarter of section 1, township 19, range three west, thence west three miles, thence north one half mile, thence west one mile to the northeast corner of section 4, thence north one half mile, thence west one mile to the northwest corner of the southwest quarter of section 32, thence north three-fourths of a mile, thence west three-fourths of a mile, thence north one-half mile, thence west one-fourth of a mile, thence north one-half mile to the northeast corner of southeast quarter of the southeast quarter of section 24, township 18, range 4 west. Thence west one-fourth of a mile, thence north one-fourth of a mile, thence west one-half mile, thence north three-fourths of a mile to the northeast corner of the southwest quarter of the southwest quarter of section 13, township 18, range 4 west. Thence west one-half mile, thence north one and one-fourth miles to the northeast corner of northwest quarter of southeast quarter of section 11, thence west three-fourths of a mile, thence north one and one-half miles, to the northeast corner of section 3, township 18, range 4 west. Thence west two miles, thence north four miles to the northeast corner of section 17, township 17, range 4 west. Thence west one mile, thence north two miles to the township line dividing townships 16 and 17. Thence west along said township line to the county line dividing the counties of Jefferson and Walker; thence south along said county line and with its variations to the Black Warrior river;

thence down along and with the meanderings of said Black Warrior river to a point where the county line dividing the counties of Jefferson and Tuscaloosa turn off from said river to the east; thence with and along said county line with its variations to its intersection with the county line of Bibb county; thence along and with the county line dividing the counties of Jefferson and Bibb to its intersection with the county lines of Jefferson and Shelby, thence along said county line dividing the counties of Jefferson and Shelby to point of beginning.

Section 2. And be it further resolved, That there shall be and there is hereby an election ordered to be held by the qualified electors of the State on the day of the general election in November, A. D. 1910 to vote on the above proposed constitutional amendment, and the Governor of the State shall by proclamation, give notice of this election with a copy of the proposed amendment and cause the same to be published once a week for eight consecutive weeks next preceding the day of election in a newspaper published in each county of the State in which a newspaper is published, and posting a copy of the same at the court house of each county in which no newspaper is published.

H. J. R. 35. By Mr. Ragsdale.

A JOINT RESOLUTION.

A joint resolution to propose an amendment to the constitution of the State of Alabama for the purpose of amending section 39 of article II thereof and to order an election for its ratification.

Be it resolved by the House of Representatives, the Senate concurring, That there shall be and there is hereby proposed an amendment to the constitution for the purpose of amending the first part of section 39 of article II thereof, which stands in these words and figures.

"Sec. 39. The Legislature may by a vote of two-thirds thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote; but no new county shall

be formed hereafter of less extent than 600 square miles, and no existing county shall be reduced to less than 600 square miles."

So as to make them stand and read in words and figures as follows:

Sec. 39. The Legislature may by a vote of two-thirds of each House thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote; but no new county shall be formed hereafter of less extent than 400 square miles, and no existing county shall be reduced than 600 square miles.

Sec. 2. And be it further resolved, That there shall be and there is hereby an election ordered to be held by the qualified electors of the State on the day of the general election in November, A. D. 1910 to vote on the above proposed amendment, and the Governor of the State shall by proclamation, give notice of this election with a copy of the proposed amendment, and cause the same to be published once a week for eight consecutive weeks next preceding the day of election in a newspaper published in each county of the State in which a newspaper is published, and by posting a copy of the same at the court house of each county in which no newspaper is published.

HOUSE JOINT RESOLUTION.

Mr. Bulger offered the following House-joint resolution:

By Mr. Bulger.

H. J. R. 36. Whereas, article 5 of the constitution of the United States provides that whenever two-thirds of both Houses (of Congress) shall deem it necessary, shall propose amendments to the constitution or, on application of the Legislatures of two-thirds of the several States, shall call a convention proposing amendments, which in either case shall be valid to all intents and purposes;

And, whereas, the Legislatures of twenty-seven States have applied to the Congress of the United States for

the submission to the States of an amendment to the constitution providing for the election of United States Senators by direct vote of the people; therefore,

Be it resolved by the House of Representatives of the Legislature of Alabama, the Senate concurring, That the sixty-first Congress of the United States is requested, and by this resolution application is made by the Legislature of the State of Alabama to the Congress of the United States in its sixty-first session, to submit to the several States an amendment to the constitution providing for the election of United States Senators by a direct vote of the people.

Resolved, further, That a copy of this resolution be certified by the clerk of the House and Secretary of the Senate to the Speaker of the House and the President of the Senate of the United States.

On motion of Mr. Bulger the Rules were suspended and the House joint resolution 36 was adopted.

BILLS ON SECOND READING.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 163. To repeal an act entitled an act to constitute a board of jury commissioners for Choctaw county, approved Feb. 28, 1907.

H. 165. To repeal section 5517 of the Code of Alabama of 1907.

H. 167. To repeal an act entitled "An act to establish the county court of Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8th, 1901, and to repeal "An act to amend an act entitled an act to establish the county court for Coffee county with criminal jurisdiction in misdemeanor cases, approved February 8, 1901. Said act as amended to make said court an inferior court of record with civil jurisdiction as well as criminal, as follows:

Said court to have jurisdiction in all civil matter concurrently with justice of peace, and also with the circuit court of said county wherein the subject matter does not

exceed \$500.00 except in civil actions of libel, slander, assault and battery, or ejectment or statutory actions in the nature of ejectment; also providing for the trials by said court of all appeals from the justices' courts of said county in civil actions; regulating the powers and authority of the judge of said court and making the same commensurate with the judge of the circuit court with respect to remedial writs, and vesting jurisdiction in the judge of said court with respect to trial of habeas corpus cases in said county commensurate with judge of probate; regulating the practice and procedure of said court and prescribing the qualifications of the judge and solicitor and providing their salaries, mode and means of payment; providing for jury terms and regulating the juries thereof and selection; restoring to justice of peace original jurisdiction of the misdemeanor cases provided for trial by them under the Code, and providing for appeals in such cases to the said county court of Coffee; and further regulating said court and trials therein." Approved September 29, 1903; and to provide for the transfer of criminal proceedings on indictments and criminal and civil proceedings on appeal pending in said county court to the circuit court of Coffee county.

H. 139. To regulate the possession and carrying of firearms, to provide for the payment of license tax therefor and to prescribe punishment for violation of the provisions of this act.

H. 155. To repeal sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama of 1907.

S. 23. To amend section 3487 of the Code of Alabama (1907).

S. 30. To amend section 3046 of the Code of 1907.

S. 42. To amend section 3374 of the Code of Alabama.

S. 44. To amend section 1804 of the Code of Alabama.

H. 168. To amend section 3487 of the Code of Alabama (1907).

H. 169. To amend section 3484 of the Code of Alabama.

H. 176. To amend section 6733 of the Criminal Code of Alabama, 1907.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 175. (With substitute.) To amend article 15, section 1230 of the Political Code of Alabama.

Mr. Lee, of Etowah, chairman of the standing committee on Education reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 174. To amend Section 1863 of the Code.

H. 162. To repeal Sections 1720 and 1742 of the Code of Alabama, and to amend Sections 1721, 1722, 1723, 1726, 1727 and 1741 of the Code of Alabama.

H. 184. To amend section 6 of an act approved July 17, 1907, entitled "an act to amend sections 6, 9, 10, 16, 17, 19, and 20 of an act entitled an act to provide for the redistricting of the public schools of the State and for the management and control of the same," approved September 30, 1903."

Mr. Long, of Morgan, chairman of the standing committee on Military, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 206. To amend section 985 of the Code of 1907.

H. 207. To amend section 929 of the Code of 1907.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 157. To amend sections 51 and 52 of the Political Code of 1907.

H. 182. To encourage a better system of agriculture in this State.

H. 130. To amend section 46 of the Code of Alabama.

H. 90. To amend an act entitled "An act to amend an act to establish a State live stock sanitary board and the office of State veterinarian in order to further protect live stock from contagious and infectious diseases, and to provide for eradicating and excluding such diseases from this State, approved August 6th, 1907.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 41. To authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds.

H. 107. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds to aid in the location and in the construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14, 1907.

H. 205. To submit to the qualified electors of the State of Alabama at the general election to be held on the first Tuesday after the first Monday in November, 1910, for the consideration an amendment to the constitution of Alabama, for the purpose of allowing cities and towns in the State to levy and collect a tax at the rate of not exceeding one percentum of the value of all subjects of taxation as assessed for the State taxation during the preceding year, for the purpose of paying the expenses of the city or town government.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 103. (With amendment.) To provide for the settlement of delinquent municipal taxes.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report.

H. 109. To regulate the right to carry a pistol.

H. 148. To repeal section No. 4237 of the Code of Alabama of 1907.

Mr. Jenkins, chairman of the standing committee on Counties and County Boundaries, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report.

H. 38. To create and establish out of the counties of Jefferson, Tuscaloosa, Bibb and Shelby a new county to be called "Pettus" and to define the boundaries thereof.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Ballard, of Autauga.

H. 232. To stipulate how the service of process may be effected upon certain unincorporated organizations or associations.

Judiciary

By Mr. Jenkins. (With notice and proof.)

H. 233. To appropriate the sum of fifteen hundred dollars, as additional appropriation, for the use of the State normal school, at Daphne, Alabama.

Appropriations.

Notice and proof H. 233:

NOTICE.

Notice is hereby given that a bill will be introduced in the next meeting of the Legislature of Alabama to amend the act providing for the establishment of a normal school for the education of white teachers at Daphne and to provide for an appropriation of \$1500 for the benefit of said school, five hundred dollars of which shall be for the establishment of a permanent summer normal at said school.

State of Alabama, }
Baldwin County. }

E. L. Colley, being duly sworn, deposes and says that he is the publisher of The Baldwin Times, a weekly newspaper published at Bay Minette, Baldwin county, Alabama, that the notice of bill to be introduced in the Legislature a copy of which is hereto attached, was printed in said paper for 4 consecutive weeks, beginning with the issue dated 18 day of June, 1909.

E. L. Colley.

Subscribed and sworn to before me, this 31st day of July, 1909.

Frank S. Stow,
Notary Public, Baldwin County, Ala.

By Mr. Jenkins.

H. 234. To amend section 4830 of the Code of Alabama, 1907.

Revision of Laws.

By Mr. Fuller. (By request.)

H. 233. To fix sheriffs' fees for committing and releasing prisoners.

Penitentiary and Criminal Administration.

By Mr. Garner. (By request.)

H. 236. To fix the time of holding the circuit court in the third judicial circuit of the State of Alabama.

Judiciary.

By Mr. Pitts, of Dallas.

H. 237. To repeal sections 3654, 3655, 3656, 3657 of the Code of 1907.

Judiciary.

By Mr. Haley. (With notice and proof.)

H. 238. To authorize the city of Graymont, Alabama, to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the city of Graymont, and for the purpose of acquiring a cite and building a school house thereon and equipping the same.

Local Legislature.

Notice and proof H. 238:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, the substance of which is as follows:

A bill to be entitled an act to authorize the City of Graymont, Alabama to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the City of Graymont, and for the purpose of acquiring a site and building a school house thereon and equipping the same.

Whereas, The city council of Graymont, Alabama, did on Monday, the 15th day of February, 1909 in accordance with the provisions of subdivision seventeen (17) of section one hundred and four (104) of the Constitution of Alabama, and in the manner prescribed by law, submit to a vote of the qualified electors of said city a proposition to issue ten thousand dollars of bonds for the purpose of extending the sanitary sewer system of said City of Graymont, and did also submit a proposition to issue ten thousand dollars of bonds for the purpose of acquiring a site and building a school house thereon and equipping the same; and,

Whereas, At such election a majority of the qualified votes of the City of Graymont voted in favor of the issue of said bonds for both of the purposes named:

Now therefore, Be it enacted by the Legislature of Alabama.

Section 1. That the City of Graymont, Alabama, is hereby authorized to issue its negotiable bonds to the amount of twenty thousand dollars, of which amount ten thousand dollars shall be used for the purpose of extending the sanitary sewer system of said city, and ten thousand dollars shall be used for the purpose of acquiring a site and building a school house thereon and equipping the same.

Section 2. That said bonds shall bear date March 1, 1909, and shall become due and payable at the expiration of twenty (20) years from that date, and shall bear interest at the rate of five (5) per centum per annum, payable semi-annually at such bank in New York city as the council may prescribe.

Section 3. That said bonds shall be in denominations of five hundred (\$500) dollars each; they shall be signed by the mayor and countersigned by the treasurer of the City of Graymont, and the official seal of said city shall be affixed to the same.

Section 4. That said bonds shall have attached to the same interest coupons, which shall be signed by the mayor and treasurer of said city by having the fac simile signature of said mayor and treasurer lithographed or engraved thereon.

Section 5. That no omission or irregularity in the record or the proceedings of the city council of Graymont, or in the issue of said bonds, nor any neglect by any officer charged with the execution of any duty under this ordinance, shall effect the validity of any bond issued under this authority; the said bonds and coupons shall have all the properties of commercial paper, and at and after the maturity thereof shall be received in payment of all taxes and dues to the city of Graymont, and said bonds shall be exempt from all taxes by the City of Graymont, the county of Jefferson and the State of Alabama.

State of Alabama, }
 Jefferson County. }

I, L. P. Hill publisher of the Ensley Enterprise, a newspaper published in Jefferson county, Alabama, do solemnly swear that the attached notice was published in the regular edition of said newspaper on July 3rd, 1909, July 10th, 1909, July 17th, 1909, July 24th, 1909, making in all four insertions of said notice in said newspaper.

L. P. Hill,
 Pub. Ensley Enterprise.

Sworn to and subscribed before me this the 29th day of July, 1909.

Lelia J. Hanell,
 Notary Public.

By Mr. Vann.

H. 239. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons, in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

Public Health.

By Mr. McCurdy. (With notice and proof.)

H. 240. To repeal so much of an act entitled "An act to provide for more efficient working of the public roads in Green, Lowndes and Perry Counties, and appointment of district road inspectors for Green, Lowndes and Perry Counties, approved February 12th, 1897, as relates to Lowndes County.

Revision of Laws.

Notice and proof H. 240:

Notice is hereby given that a bill will be introduced at the next special called session of the Legislature of Alabama, to repeal so much of an act entitled "an act to provide for more efficient working of the public roads in Green, Lowndes and Perry counties, and appointment of district road inspectors for Green, Lowndes and Perry Counties, approved February 12th, 1897, as relates to Lowndes County.

EVANS HINSON,
 W. D. McCURDY.

State of Alabama, }
 Lowndes County. }

Before me, J. C. Wood, Judge of Probate in and for said county in said State, personally appeared Mrs. Estelle Garrett, who, being first duly sworn deposes and says that she is the owner and publisher of the Citizen-Examiner, a weekly newspaper published in said county, and that the publication of a certain notice, of which the foregoing is a true copy has been made in said paper for more than four consecutive weeks, to wit: Commencing on Thursday, June 24, 1909, July 1st, 1909, July 8th, 1909, July 15th, 1909, July 22nd, 1909 and July 29th 1909.

Mrs. Estelle Garrett.

Sworn to and subscribed before me this the 29th day of July, 1909.

J. C. Wood,
 Judge of Probate.

By Mr. McCurdy. (With notice and proof.)

H. 241. To repeal so much of an act entitled "An act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18th, 1899," as relates to Lowndes county.

Revision of Laws.

Notice and proof H. 241:

NOTICE.

Notice is hereby given that a bill will be introduced at the next special called session of the Legislature of Alabama to repeal so much of an act as relates to Lowndes county entitled "an act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18th, 1899.

EVANS HINSON,
 W. D. McCURDY.

State of Alabama, }
 Lowndes County. }

Before me, J. C. Wood, Judge of Probate, in and for said county, in said State personally appeared Mrs. Estelle Garrett, who being first duly sworn deposes and says that she is the owner and publisher of the Citizen-Examiner, a weekly newspaper publisher in Lowndes county and that the publication of a certain notice, of which the foregoing is a true copy has been made in said paper for four consecutive weeks, towit: Commencing on June 24th, 1909, and on July 1st, 1909, July 8th, 1909, July 15th, 1909, July 22nd, 1909, and July 29th, 1909.

Mrs. Estelle Garrett.

Subscribed and sworn to before me this the 29th day of July, 1909.

J. C. Wood.
 Judge of Probate.

By Mr. McCurdy. (With notice and proof.)

H. 242. To repeal an act entitled "An act to secure better public roads and bridges in Lowndes county, approved February 17th, 1885."

Revision of Laws.

Notice and proof H. 242:

NOTICE.

Notice is hereby given that a bill will be introduced at the next special called session of the Legislature of Alabama to repeal a local act for Lowndes County, approved February 17, 1885, and entitled "an act to secure better public roads and bridges in Lowndes county."

EVANS HINSON,
 W. D. McCURDY.

State of Alabama, }
 Lowndes County. }

Before me, J. C. Wood, Judge of Probate, in and for said county in said State, personally appeared Mrs. Estelle Garrett, who, being first duly sworn deposes and

says that she is the owner and publisher of the Citizen-Examiner, a weekly newspaper published in Lowndes county, and that the publication of a certain notice, of which the foregoing is a true copy has been made in said paper for four consecutive weeks, towit: Commencing on Thursday June 24th, 1909 and on July 1st 1909, July 8th, 1909, July 15th, 1909, July 22nd, 1909 and July 29th, 1909.

Mrs. Estelle Garrett.

Sworn to and subscribed before me this the 29th day of July, 1909.

J. C. Wood,
Judge of Probate.

By Mr. Kirby.

H. 243. To amend section 2361, subdivision 49, as amended March 5th, 1901, and as amended March 4th, 1903, of the Code, and to define the business of horse dealers.

Revision of Laws.

By Mr. Stollenwerck. (By request.)

H. 244. To amend section 5175 of the Code of Alabama, 1907, so as to read as follows:

Judiciary.

By Mr. Pitts, of Dallas.

H. 245. To provide for the erection of a monument in the city of Selma, Alabama, to commemorate the lives and public services of Honorable John T. Morgan and Edmund W. Pettus.

Appropriations.

By Mr. Gunter.

H. 246. To amend an act entitled "An act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof, and adding sections 94½ 107 1-2, 137 1-2, 139 1-2, 140 1-2.

Municipal Organization.

By Mr. Mr. Gunter.

H. 247. To amend an act entitled "An act to amend section 5993 of the Code of Alabama, approved November 23rd, 1907."

Revision of Laws.

By Mr. John.

H. 248. To provide for the return to the county whence committed, of all insane patients in the insane hospitals, who are incurably insane and harmless, and where the county has not made proper provision for caring for them, to require the county to pay for the maintenance of such patients.

Judiciary.

By Mr. Gunter.

H. 249. To provide an official stenographic reporter for the circuit courts, city courts and other law courts of record for each of the several judicial circuits of Alabama, and to prescribe his duties and compensation.

Judiciary.

By Mr. Coleman. (With notice and proof.)

H. 250. To provide for the holding of two terms each year of the circuit court of Marshall county, at Albertville, to provide for the jurisdiction thereof and to regulate proceedings therein.

Local Legislation.

Notice and proof H. 250:

Notice is hereby given that a bill substantially conforming to the provisions hereinafter set forth will be introduced for passage at the special session of the Legislature of Alabama to be convened on the 27th day of July, 1909, or such other date as may be determined upon by the Governor, to wit:

A bill to be entitled an act to provide for the holding of two terms each year of the circuit court of Marshall county, at Albertville, to provide for the jurisdiction thereof and to regulate the proceedings therein.

Sec. 1. Be it enacted by the Legislature of Alabama, That there shall be held in Albertville, Marshall county, Alabama, two terms each year of the circuit court of

Marshall county, which said terms shall commence on the second Monday in January and the second Monday in July in each year and each term may continue two weeks.

Sec. 2. Said court shall have jurisdiction to try and determine all civil and criminal causes in which the defendant, or one of the defendants, at the time of the commencement of the suit, is a resident of or the cause of action arose within the territory embraced in Precincts Four (4), Five (5), Thirteen (13), Sixteen (16), Eighteen (18), Twenty (20), Twenty-two (22), and that portion of Twenty-four (24) lying on Sand Mountain in said Marshall county.

Sec. 3. Said court shall be presided over by the judge of ninth judicial circuit of Alabama, and all criminal causes pending therein shall be prosecuted by the solicitor of said circuit.

Sec. 4. All appeals or certiorari proceedings from the justice courts, the mayor's courts and the county court of Marshall county, when the defendant or one of the defendants, at the time of the commencement of the suit, is a resident of said territory or the cause of action arose therein; shall be taken, heard and disposed of in said circuit court at Albertville.

Sec. 5. The clerk of the circuit court of Marshall county shall be ex-officio the clerk of said court and shall be required to procure and keep all necessary dockets, records and books for the use of said court and the dockets, records, books and papers pertaining to said court, shall be kept by him in his office in the court house hereinafter provided for at Albertville. He shall also keep in the said office at Albertville a deputy to transact the business of the clerk, and the said deputy, in the name of the clerk, may issue all process in the manner and form now required by law, and the clerk himself when so required shall likewise issue all papers and process for said court at Albertville, but all such process, papers and documents so issued shall be returnable to the circuit court at Albertville.

Sec. 6. The sheriff of Marshall county shall keep a deputy for said court whose office shall be in the said

court house at Albertville, and the sheriff shall also keep all needful records for said courts as are now required by law to be kept for the circuit court of Marshall county. He shall also execute and serve all process, writs and papers that may be returnable to said circuit court at Albertville and make return thereof to said court at Albertville and shall attend each and every term of said court. All legal sales by the sheriff arising in the jurisdiction of said court shall be made by him in front of the court house door at Albertville.

Sec. 7. Twenty-four jurors shall be drawn and summoned for each week of each term of said court in the way and manner now prescribed by law for drawing and summoning jurors in Marshall county for the circuit court, which said jurors shall be drawn from the qualified jurors residing in Marshall county and when so drawn and summoned they shall attend upon said court at Albertville and serve as jurors in said court under the pains and penalties now prescribed by law for the service of jurors upon the circuit court of Marshall county, and they shall receive the same compensation both as to per diem and mileage as the regular jurors serving in the circuit court of said county.

Sec. 8. No grand juries shall be drawn to serve in said circuit court at Albertville but the regular grand juries of said county shall retain all the powers, exercise all the jurisdiction and be charged with all the duties as heretofore, and the clerk of the circuit court or his deputy at Albertville shall set down for trial in the circuit court at Albertville all criminal causes arising by indictment in the circuit court of said county or by appeal from the justice courts, the mayor's courts or the county court where the defendant or one of the defendants is a resident of the territory embraced within the jurisdiction of said circuit court at Albertville or where the crime was committed within the jurisdiction of said court as herein provided; and said causes shall be tried under the rules and regulations for the trial of criminal causes in the circuit court of Marshall county.

Sec. 9. All causes now pending in the circuit court of Marshall county in which the defendant or one of the defendants resides in the jurisdiction of said circuit

court at Albertville as herein provided, or where the cause of action arose in the jurisdiction of said court shall be set down for trial at the first term of circuit court at Albertville.

Sec. 10. The first term of the circuit court at Albertville shall be held on the first Monday in January, 1910, if the town of Albertville shall provide a court house in which to hold said court and tender the use of its municipal prison or jail for the incarceration of prisoners during the terms of court or at such other times as said may be found convenient or necessary, without any expense to Marshall county. As soon as the mayor of Albertville shall file with the probate judge of Marshall county his certificate certifying that said court house has been provided and that the municipal authorities of Albertville have provided a suitable prison or jail then juries shall be drawn, the records be purchased at the expense of the county and causes set down for trial as herein provided; but if said court house and prison or jail are not provided in time for the holding of said court on the second Monday in January, 1910, then the first term shall be held on the first date thereafter.

Sec. 11. The said circuit court at Albertville shall be governed by the rules of pleading and practice provided by law for the circuit court of Marshall county and shall be in all respects a branch of said regular circuit court.

State of Alabama, }
Marshall County. }

Before me, A. B. Hooper, notary public in and for said State and county, personally appeared A. R. Kearney, who being by me duly sworn saith upon oath that he is the publisher and proprietor of the Marshall Banner a weekly newspaper published at Albertville in said county and that the above and foregoing notice and bill was published in the said Marshall Banner for four consecutive weeks the last insertion of the same being in the issue of Thursday, July 29th, 1909.

A. R. Kearney.

Subscribed and sworn to before me this the 2d day of August 1909.

A. B. Hooper,
Notary Public.

By Mr. Rainer.

H. 251. To require persons, firms or corporations operating a public cotton gin to post a schedule of charges for ginning, to prevent discrimination and provide a punishment for the same.

Agriculture.

By Mr. Williams, of Barbour. (With notice and proof.)

H. 252. To amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor, approved February 6, 1895.

Revision of Laws.

Notice and proof H. 252:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at its next special session, when called by the Governor, for the passage of an act in substance as follows:

An act to amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor. Approved February 6, 1895.

Section 1. Be it enacted by the Legislature of Alabama, That section one of an act entitled "an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor, approved February 6th 1895, be amended so as to read as follows: Section 1. Be it enacted by the Legislature of Alabama, that it shall be the duty of the board of revenue of Barbour county, immediately after the passage and approval of this act, to give notice by advertisement in some newspaper published in the county and also by posting a notice at the court house notifying all persons holding claims registered and unregistered and entitled to registration as now provided by law, against the fine and forfeiture fund of said county, to register the same with the county treasurer within ninety days after the first insertion of

said advertisement, and if not so registered or re-registered, said claims shall be forever barred, and all claims hereafter accruing against said fund must be registered or re-registered within 60 days, or be forever barred. Provided, the said court of county commissioners may at their discretion order payment of witness fees (mileage and per diem) hereafter accruing (registered or entitled to registration) against said fund at such reduced rates as may hereafter be provided by law for witness fees and claims in preference to accepting bids which may be made for claims against the fine and forfeiture fund as provided in section 9 of said act.

Section 2. Be it further enacted, that section 2 of said act be amended so as to read as follows: Sec. 2. Be it further enacted, That all such claims as have heretofore registered preserving the order of previous registration as provided by section 1 of said act, if not so re-registered said claims shall be forever barred

Section 3. Be it further enacted, that all laws and parts of laws, special or general, in conflict with this act be and the same are hereby repealed.

State of Alabama, }
Barbour County. }

Before me, A. K. Merrill, notary public in and for said county, this day personally came W. H. Berry, known to me to be the Associate Editor and Manager of the Eufaula Daily Times, a newspaper published in Eufaula, in said county, who being by me duly sworn, deposes and says that the attached notice to amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor; approved February 6th, 1895, was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

W. H. Berry.

Sworn to and subscribed before me this 3rd, day of August, 1909.

A. K. Merrill,
Notary Public.

By Mr. Gunter.

H. 253. To dedicate not less than one-eighth of the grounds in which the State Capitol is situated to memorialistic design and artistic beauty.

Capitol Grounds.

By Mr. Stollenwerck. (By request.)

H. 254. To amend section 4335 of the Code of Alabama of 1907, relating to fee of garnishee for making answer to garnishment.

Judiciary.

By Mr. McDuffie. (By request.)

H. 255. To amend section 4032 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. John.

H. 256. To make an additional appropriation of sixty thousand dollars for feeding prisoners in county jails.

Appropriations.

BILL ON THIRD READING.

H. 141. To require the board of revenue and road commissioners of Mobile county annually to levy a special tax of not exceeding one-third of one percentum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county.

Was taken up. Mr. Hoffman, offered the following substitute for the bill H. 141, said substitute being as follows:

SUBSTITUTE FOR H. 141.

A bill to be entitled an act to require the board of revenue and road commissioners of Mobile county annually to levy a special tax of one fifth of one percentum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county.

Section 1. Be it enacted by the Legislature of Alabama, that the board of revenue and road commissioners of Mobile county be required annually to levy a special tax of one-fifth of one per centum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county.

Section 2. Said taxes shall be paid over to the board of school commissioners of Mobile county by the tax collector of Mobile county as rapidly as the same is by him collected.

Section 3. Said board of revenue and road commissioners shall within fifteen days after the date of the approval of this act, at a special meeting thereof, to be called for that purpose, or at any lawful meeting held within that period, levy said tax for the tax year of 1909 upon the property now assessed or to be assessed for that year in said county.

And the substitute was adopted.

Yeas, 79; nays, 0.

Yeas:

Messrs. Speaker		
Alford	Dudley	Long (Morgan)
Altman	Edwards	Lyons
Arnold	Fuller	Mastin
Avery	Garner	Middleton
Baltzell	Glover	Mitchell
Barton	Gunter	Moore
Benners	Hoffman	McCrary
Benson	Hughes	McDuffie
Bloch	Jenkins	McMillan
Bulger	John	Norville
Burney	Johnson	Oliver
Cannon	Jones	Pearson
Carmichael	Killen	Peete
Cooper	Kirby	Pitts (Dallas)
Cranford	Lacy (Walker)	Pitts (Perry)
Crum	Lawson	Powell (Bullock)
Cunningham	Lee (Barbour)	Powell (Covington)
Doyle (Clarke)	Lee (Etowah)	Pratt
Doyle (Marengo)	Lindsey	Price
	Long (Butler)	Fugh

Rattray	Smith (Lee)	Vann
Rice	Stollenwerck	White (Lamar)
Rowe	Tarrant	White (Perry)
Rushton	Tunstall	Williams (Barbour)
Sample	Turner	Williams (Lee)
Seale	Urquhart	Woolf
Sherrod		

—79.

And the bill:

H. 141. To require the board of revenue and road commissioners of Mobile county annually to levy a special tax of not exceeding one-third of one percentum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county."

As amended by the substitute, was read a third time, at length and passed.

Yeas, 89; nays, 0.

Yeas:

Messrs. Speaker	Cunningham	Lancaster
Alford	Doyle (Marengo)	Lawson
Altman	Duquey	Lee (Barbour)
Arnold	Edwards	Lindsey
Arrington	Fuller	Long (Butler)
Avery	Garner	Long (Morgan)
Ballard (Autauga)	Glover	Lyons
Ballard (Pike)	Gunter	Malone
Baltzell	Haley	Mastin
Barton	Henley	Mayfield
Benners	Hoffman	Mitchell
Benson	Hughes	Moore
Bloch	Jenkins	McCrary
Bulger	John	McCurdy
Burney	Johnson	McDuffie
Cañon	Jones	McMillan
Carmichael	Killen	Norville
Coleman	King	Oliver
Cooper	Kirby	Parker
Cranford	Lacy (Walker)	Pearson

Pitts (Dallas)	Rushton	Turner
Pitts (Perry)	Sample	Urquhart
Powell (Bullock)	Sanders	Vann
Powell (Covington)	Seale	Wittmeier
Price	Sherrod	White (Lamar)
Pugh	Smith (Etowah)	White (Perry)
Rainer	Smith (Lee)	Williams (Barbour)
Rattray	Stollenwerck	Williams (Lee)
Rice	Tarrant	Woolf
Rowe	Thompson	

—89.

On motion of Mr. Hoffman the bill H. 141 was ordered sent forthwith to the Senate without engrossment.

On motion of Mr. Hoffman the bills 140, 142 and 143 were indefinitely postponed.

WITHDRAWAL OF BILL.

Mr. Garner asked unanimous consent to withdraw the bill 236. Consent was given and the bill H. 236 was withdrawn.

The Speaker of the House presented to the House a memorial from the citizens of Marengo county requesting the Legislature of Alabama, to submit a constitutional prohibition amendment to the voters of the State, and the memorial was referred to the standing committee on temperance.

BILLS ON THIRD READING.

H. 25. To require all fire insurance companies transacting business in this State to report losses to the Insurance Department.

Was taken up. Mr. Rushton offered the following amendment to the bill H. 25, said amendment being as follows:

Amend by adding to Sec. 1, after words "under a policy of insurance" the words "on an amount over \$200."

And the amendment was adopted.

Yeas, 51; nays, 14.

Yeas:

Messrs.

Ballard (Pike)	Hughes	Price
Baltzell	John	Rattray
Barton	Johnson	Rowe
Benness	Jones	Rushton
Benson	Lacy (Walker)	Smith (Etowah)
Bloch	Lawson	Smith (Lee)
Bulger	Lee (Barbour)	Stollenwerck
Burney	Lee (Etowah)	Tarrant
Cannon	Lindsey	Tunstall
Carmichael	Malone	Turner
Coleman	Mastin	Urquhart
Cranford	Mitchell	Vann
Cunningham	McCrary	Wittmeier
Dudley	McMillan	White (Lamar)
Edwards	Oliver	Williams (Barbour)
Garner	Pearson	Williams (Lee)
Gunter	Powell (Covington)	
Henley		

—51.

Nays:

Messrs. Speaker	Long (Morgan)	Pratt
Doyle (Clarke)	Mayfield	Pugh
Glover	Moore	Rainer
Haley	Pitts (Perry)	Rice
King	Powell (Bullock)	

—14.

Mr. Haley offered the following amendment to the bill H. 25, said amendment being as follows:

Amend the bill by striking out the words "is liable under" where they appear in line 3 and insert in lieu thereof the words "has issued and has outstanding." And the amendment was adopted.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Benness	Coleman
Altman	Benson	Cooper
Arnold	Bloch	Crum
Avery	Bulger	Cunningham
Ballard (Pike)	Burney	Doyle (Marengo)
Barton	Carmichael	Dudley

Edwards	Lindsey	Pugh
Elrod	Long (Morgan)	Rainer
Fuller	Malone	Rattray
Garner	Maner	Rice
Glover	Mastin	Rowe
Gunter	Mayfield	Rushton
Haley	Mitchell	Sanders
Henley	McCrory	Sanford
Hughes	McCurdy	Sherrod
John	McMillan	Smith (Etowah)
Johnson	Oliver	Stollenwerck
Jones	Parker	Tarrant
Killen	Pearson	Turner
Lacy (Walker)	Pitts (Perry)	Vann
Lancaster	Powell (Bullock)	White (Lamar)
Lee (Barbour)	Powell (Covington)	Williams (Barbour)
Lee (Etowah)	Price	Williams (Lee)

—69.

And the bill:

H. 25. To require all fire insurance companies transacting business in this State to report losses to the Insurance Department.

As amended was, on motion of Mr. Haley, recommitted to the standing committee on Banking and Insurance.

H. 31. To amend section 4559 of the Code of Alabama, 1907.

Was read a third time, at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs. Speaker	Cannon	Garner
Alford	Carmichael	Glover
Altman	Coleman	Gunter
Arnold	Cranford	Henley
Avery	Crum	Hoffman
Ballard (Pike)	Cunningham	Hughes
Bartzell	Doyle (Clarke)	Jenkins
Benness	Doyle (Marengo)	John
Benson	Dudley	Jones
Bulger	Edwards	Killen
Burney	Fuller	King

Lacy (Walker)	Pearson	Sanders
Lancaster	Pitts (Dallas)	Smith (Elmore)
Lawson	Pitts (Perry)	Smith (Lee)
Lee (Barbour)	Powell (Bullock)	Stollenwerck
Lindsey	Powell (Covington)	Turner
Long (Morgan)	Pratt	Urquhart
Malone	Price	Wittmeier
Mastin	Rainer	White (Lamar)
Mayfield	Rattray	White (Perry)
Moore	Rice	Williams (Barbour)
McCrory	Rowe	Williams (Lee)
McDuffie	Rushton	Woolf
Oliver	Sample	

—71.

H. 32. To fix the amount of capital of and deposit with the State Treasurer by miscellaneous insurance companies, excepting mutual aid association.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	John	Powell (Covington)
Alford	Johnson	Pratt
Altman	Jones	Pugh
Arnold	King	Rainer
Arrington	Lacy (Walker)	Rattray
Avery	Lancaster	Rowe
Baltzell	Lawson	Rushton
Barton	Lee (Barbour)	Sample
Benness	Lindsey	Sanders
Burney	Long (Morgan)	Sanford
Cannon	Lyons	Seale
Carmichael	Malone	Smith (Lee)
Crum	Mastin	Stollenwerck
Cunningham	Mayfield	Tarrant
Edwards	Mitchell	Tunstall
Fuller	Moore	Urquhart
Garner	McCurdy	Vann
Glover	McMillan	Wittmeier
Haley	Oliver	White (Lamar)
Hoffman	Pitts (Dallas)	Williams (Lee)
Hughes	Pitts (Perry)	Woolf
Jenkins		

—64.

H. 59. To amend section 7189 of the Code of Alabama, 1907.

Was read a third time, at length and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs. Speaker	Haley	Price
Alford	Hughes	Pugh
Altman	John	Rainer
Arnold	Jones	Rattray
Avery	Kirby	Rice
Ballard (Autauga)	Lancaster	Rushton
Baltzell	Lawson	Sample
Barton	Lee (Barbour)	Sanders
Benners	Lindsey	Sanford
Benson	Long (Butler)	Seale
Bulger	Mastin	Smith (Etowah)
Burney	Mayfield	Smith (Lee)
Cannon	Mitchell	Stollenwerck
Carmichael	Moore	Tarrant
Coleman	McCrory	Tunstall
Cram	McCurdy	Turner
Cunningham	McMillan	Urquhart
Edwards	Oliver	Wittmeier
Elrod	Pearson	White (Lamar)
Fuller	Pitts (Dallas)	White (Perry)
Garner	Pitts (Perry)	Williams (Barbour)
Glover	Powell (Covington)	Williams (Lee)
Gunter	Pratt	

—68.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

House Bill 21.

Ernest Lacy, Chairman.

The report of the committee was concurred in.

On motion of Mr. Henley the bill H. 35 was indefinitely postponed.

Mr. Pitts, of Dallas, gave notice that on tomorrow he would move to take from the adverse calendar and place on the calendar the bill:

H. 48. To prohibit the sale, or barter, or letting to hire, or having possession of a bowie knife, dirk or knife of like kind, brass knuckles, or metal knuckles, sling shot, or a silencer, by whatever name called.

Which motion under the rules goes over until tomorrow for action.

BILLS ON THIRD READING.

H. 13. To appropriate the sum of fifty thousand dollars, or as much thereof as may be necessary, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending in the federal court, or any litigation which may hereafter be instituted between the various railroads of Alabama and the railroad commission of Alabama, or other State officials.

Was taken up. Mr. Tunstall offered the following amendment:

Amend by adding, Provided that nothing herein shall present or curtail the payment of the fixed conditional or contingent appropriations to the public schools and needy Confederate soldiers.

And the amendment was adopted.

Yeas, 69; nays, 2.

Yeas:

Messrs. Speaker	Carmichael	John
Altman	Coleman	Jones
Arnold	Crum	Killen
Ballard (Autauga)	Cunningham	Kirby
Baltzell	Doyle (Marengo)	Lacy (Walker)
Barton	Dudley	Lancaster
Benners	Edwards	Lawson
Bloch	Fuller	Lee (Barbour)
Brown	Garner	Lee (Etowah)
Bulger	Haley	Lindsey
Burney	Henley	Long (Butler)
Cannon	Hughes	Long (Morgan)

Lyons	Pratt	Smith (Etowah)
Malone	Price	Smith (Lee)
Mitchell	Pugh	Stollenwerck
Moore	Rainer	Tarrant
McCrory	Ratray	Tunstall
McDuffie	Rowe	Vann
McMillan	Rushton	Wittmeier
Pearson	Sample	White (Lamar)
Pitts (Dallas)	Sanders	Williams (Barbour)
Powell (Bullock)	Sanford	Williams (Lee)
Powell (Covington)	Seale	Woolf

—69.

Nays:

Glover

Mayfield

—2.

H. 13. To appropriate the sum of fifty thousand dollars, or as much thereof as may be necessary, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending in the federal court, or any litigation which may hereafter be instituted between the various railroads of Alabama and the Railroad Commission of Alabama, or other State officials.

As amended was read a third time, at length and passed.

Yeas, 55; nays, 17.

Yeas:

Messrs. Speaker	Garner	Long (Morgan)
Ballard (Autauga)	Gunter	Lyons
Benners	Haley	Malone
Bloch	Henley	Mitchell
Brown	Hughes	Moore
Burney	John	McCrory
Cannon	Jones	McMillan
Carmichael	Killen	Peete
Coleman	Lacy (Walker)	Pitts (Dallas)
Crum	Lancaster	Pitts (Perry)
Cunningham	Lawson	Powell (Bullock)
Doyle (Marengo)	Lee (Barbour)	Powell (Covington)
Dudley	Lindsey	Price
Fuller	Long (Butler)	Pugh

Rainer	Sanders	Vann
Rice	Smith (Lee)	Wittmeier
Rowe	Tarrant	Williams (Lee)
Rushton	Tunstall	Woolf
Sample		

—55.

Nays:

Altman	Jenkins	Smith (Elmore)
Arnold	Lee (Etowah)	Smith (Etowah)
Baltzell	Mayfield	Stollenwerck
Barton	Pratt	White (Lamar)
Edwards	Rattray	Williams (Barbour)
Glover	Sherrod	

—17.

H. 73. To provide for license tax of one dollar on each dog over the age of four months kept in Dallas county, Alabama; to authorize the collection of the same, and the issuance of license, to prescribe penalties for the violation of provisions of this act, and the disposition of fines collected therefor, and for the disposition of the license taxes.

Was read a third time, at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs. Speaker	Cooper	Lawson
Alford	Cunningham	Long (Morgan)
Altman	Doyle (Marengo)	Lyons
Arnold	Dudley	Mastin
Avery	Fuller	Middleton
Ballard (Autauga)	Garner	Mitchell
Baltzell	Glover	Moore
Barton	Haley	McCrary
Benners	Henley	McCurdy
Benson	Hughes	McMillan
Bloch	Jenkins	Oliver
Brown	John	Pearson
Bulger	Johnson	Pitts (Dallas)
Burney	Jones	Pitts (Perry)
Cannon	Killen	Powell (Bullock)
Carmichael	Lacy (Walker)	Pratt
Coleman	Lancaster	Pugh

Rainer	Sherrod	Vann
Rowe	Smith (Lee)	Wittmeier
Rushton	Tarrant	White (Lamar)
Sanders	Tunstall	Woolf
Seale	Urquhart	

—65.

H. 3. To amend section 2089 of the Code of Alabama, 1907.

Was taken up. Mr. Rushton offered the following amendment to the bill H. 3:

Amend the bill by inserting in line 10 after the word "premiums" the following words "less return premiums," and by inserting in line 12 after the word "premiums," the following words "less return premiums."

And the amendment was adopted.

Yeas, 55; nays, 2.

Yeas:

Messrs. Speaker	Dudley	McCrory
Alford	Fuller	McCurdy
Altman	Garner	McMillan
Arnold	Glover	Pitts (Dallas)
Avery	Gunter	Pitts (Perry)
Ballard (Autauga)	Haley	Pugh
Baltzell	Henley	Rattray
Barton	Jenkins	Rowe
Benners	John	Rushton
Bloch	Johnson	Sample
Brown	Jones	Sanders
Burney	Killen	Seale
Cannon	Lacy (Walker)	Smith (Lee)
Carmichael	Lawson	Stollenwerck
Coleman	Long (Morgan)	Tarrant
Cranford	Lyons	White (Lamar)
Cunningham	Malone	Williams (Lee)
Doyle (Clark)	Mitchell	Woolf
Doyle (Marengo)		

—55.

Nays:

Powell (Bullock)	Rainer
------------------	--------

—2.

And the bill,

H. 3. To amend section 2089 of the Code of Alabama, 1907.

As amended,

Was on motion of Mr. Pitts, of Dallas, postponed until tomorrow morning, and that said bill would not lose its place on the calendar.

RECOMMITTAL OF BILL.

On motion of Mr. Rushton, the bill H. 26, To amend sections 4581 and 4582 of the Code of Alabama, 1907, was recommitted to the standing committee on Banking and Insurance.

MESSAGE FROM THE SENATE.

Mr. Speaker.

The Senate has originated and passed the following Senate bills:

S. 1. To fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations.

S. 2. To prohibit misrepresentations, rebating and discriminations by life insurance companies, and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

S. 3. To amend section 4559 of the Code of Alabama, 1907.

S. 5. To amend section 7189 of the Code of Alabama, 1907.

S. 13. To amend section 4591 of the Code of Alabama, 1907.

S. 11. To amend section 3542 of the Code of Alabama.

S. 14. To amend section 4558 of the Code of Alabama, 1907.

S. 18. To amend section 7424 of the Code of Alabama, 1907.

S. 33. To amend section 6475 of the Code of Alabama.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Banking and Insurance, S. 1, S. 2, S. 3, S. 5, S. 13, S. 11, S. 14, S. 18.

Revision of Laws, S. 33.

ADJOURNMENT.

On motion of Mr. Sherrod the House adjourned until 9:30 o'clock tomorrow morning.

EIGHTH DAY.

House of Representatives,

MONTGOMERY, Ala., Thursday, Aug. 5th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by the Rev. Dr. Phillips, of the Senate.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Barton	Coleman
Alford	Benners	Cooper
Altman	Benson	Cranford
Arnold	Bloch	Crum
Arrington	Brown	Cunningham
Avery	Bulger	Doyle (Clark)
Ballard (Autauga)	Burney	Doyle (Marengo)
Ballard (Pike)	Cannon	Dudley
Baltzell	Carmichael	Edwards

Elrod	Lyons	Rattray
Fuller	Malone	Rice
Garner	Mastin	Rowe
Glover	Mayfield	Rushton
Gunter	Middleton	Sample
Haley	Mitchell	Sanders
Henley	Moore	Sanford
Hoffman	McCrory	Seale
Hughes	McCurdy	Sherrod
Jenkins	McDuffie	Smith (Elmore)
John	McMillan	Smith (Etowah)
Johnson	Norville	Smith (Lee)
Jones	Oliver	Stollenwerck
Killen	Parker	Tarrant
King	Pearson	Thompson
Kirby	Peete	Tunstall
Lacy (Walker)	Pitts (Dallas)	Turner
Lancaster	Pitts (Perry)	Urquhart
Lawson	Powell (Bullock)	Vann
Lee (Barbour)	Powell (Covington)	Wittmeier
Lee (Etowah)	Pratt	White (Lamar)
Lee (Houston)	Price	White (Perry)
Lindsey	Pugh	Williams (Barbour)
Long (Butler)	Ragsdale	Williams (Lee)
Long (Morgan)	Rainer	Woelf

—102

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report :

Mr. Speaker :

Your committee on the Revision of the Journal beg leave to report as follows :

We have examined the Journal for the seventh day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the seventh day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Mastin for tomorrow.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. J. A. Esttis, of Jefferson; Hon. J. E. Henly, of Henry; Hon. J. T. Ellison, of Bibb; Prof. J. H. Honord, of Elmore; Hon. F. M. Jackson, of Birmingham; Hon. R. A. Smith, of Mobile; Hon. John H. James, of Perry; Rev. A. P. Smith, of Attalla; Hon. J. D. Collins, of Birmingham; Hon. R. F. Lovelady, of Birmingham; Hon. Cecil Brown, of Talladega; Hon. W. T. Cox, of Birmingham; for today.

MEMORIALS.

Several memorials from Autauga, Butler, Madison and Dale counties requesting the Legislature to pass the bill relating to constitutional prohibition and endorsing all prohibition bills, were read one time and referred to the standing committee on Temperance.

REPORT OF RULES COMMITTEE.

Mr. John, from the standing committee on Rules, returned the House the following resolutions, with a favorable report:

H. R. 37. Rules Committee.

Resolved that

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the

Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

Be made a special continuing paramount order after the call of counties today and that the House remain in session this morning until the disposition of the bill.

H. R. 38. Rules Committee.

Resolved, That House bill 46,

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the journals, required by the constitution and to provide a competent examiner of the journals and prescribe his duties and pay.

House bill 49,

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

House bill 195, proposing amendment to constitution, be made a special, continuing, paramount order immediately after the call of committees, on Friday, August 6th, 1909.

And the resolutions Nos. 37 and 38 were adopted.

RESOLUTION.

The following resolution was introduced and referred to the committee on Rules:

By Mr. Fuller.

H. R. 39. • Resolved, That House bill 104 be made a special, paramount and continuing special order for Friday morning at eleven o'clock.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted upon the following bills and House joint resolution and ordered same returned to the House with a favorable report:

H. J. R. 28. Whereas, in the Federal courts an "attorney's tax fee" of \$20.00 in each case, under the Federal law and rule of practice, is taxed and collected in favor of the attorney of the prevailing party-litigant, and whereas, there is doubt, the opinions of lawyers differing on the point, as to the proper disposition of such fee when disbursed to the attorney general.

Therefore, be it resolved, by the House, the Senate concurring, That whenever the attorney general has received or may receive such "attorney's tax fee" of \$20.00 in a case in a Federal court, it is to be retained by him and shall not be construed as included among the fees to which he is entitled under the law of Alabama, and which are required by law to be paid into the State treasury.

H. 106. To fix the times of holding, in each year, the circuit courts of Chilton county, in the Fifteenth judicial circuit of the State of Alabama, and to repeal former laws fixing the times for holding said courts.

H. 122. To define and regulate negotiable instruments.

H. 124. To amend section 638 of the Code of Alabama.

H. 128. To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the impanelling of grand and petit juries in all the courts of this State.

H. 160. To regulate the procedure in the trial of causes wherein lands are sought to be condemned.

H. 180. To exempt the district trustees of the public school districts of this State from poll tax and road duty.

H. 189. To provide for a secretary and other clerical help for the Supreme Court of Alabama, and to provide for the selection and compensation of said secretary and help, and to amend article 2 of chapter 141 of the Code of 1907.

H. 202. To create and establish the Marengo law and equity court for Marengo county.

H. 211. To amend section 3613 of the Code of Alabama of 1907.

H. 222. To fix the salaries of the judge and associate judge of the city court of Montgomery.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report, with amendment:

H. 158. To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled "An act to amend sections six (6) and twenty-five (25) of an act approved February 18, 1895, entitled 'An act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report, with substitute:

H. 68. To require all clerks of courts of record within this State to make annual reports to the State treasurer of all witness fees collected by them more than two years preceding the date of such report which have not been disbursed by them as provided by law, and to pay into the State treasury annually upon the submission of such report all witness fees collected by them for more than two years preceding the filing of such report, which have not been paid out to the persons lawfully entitled thereto; and to provide for the escheat to the State of all witness fees which have not been or shall not hereafter be claimed by the persons legally entitled thereto within six years from the date of the collection thereof, and to provide for the payment by all clerks of courts of record in this State to their several successors in office of witness fees in their hands at the time of the expiration of their several offices and to provide for the discharge of all liability on the part of such clerks upon the expira-

tion of their several terms of office for all witness fees in their hands which shall be paid over to their several successors in office, or to the treasurer of the State of Alabama.

Mr. Arnold, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 204. To submit to the qualified electors of the State at the general election to be held on the first Tuesday after the first Monday in November, 1910, for their consideration an amendment to sections 178 and 194 of article 8 of the constitution, relating to the qualification of voters and the poll tax and the time and manner of collecting the same.

H. 229. To amend section 534 of the Code of Alabama.

H. 230. To amend an act to further regulate elections in the State of Alabama, approved November 23rd, 1907.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 111. To vacate and annul the charter and dissolve the corporation of the city of East Lake.

H. 112. To vacate and annul the charter and dissolve the corporation of the city of West End.

H. 113. To vacate and annul the charter and dissolve the corporation of the city of Wylam.

H. 114. To vacate and annul the charter and dissolve the corporation of the city of Graymont.

H. 115. To vacate and annul the charter and dissolve the corporation of the city of North Haven.

S. 24. To confer upon and vest in the board of revenue of Jefferson county, Alabama, exclusively, all the rights, jurisdiction, duties and powers vested in the Jefferson county sanitary commission.

H. 116. To vacate and annul the charter and dissolve the corporation of the city of Elyton.

H. 117. To vacate and annul the charter and dissolve the corporation of the city of North Birmingham.

H. 118. To vacate and annul the charter and dissolve the corporation of the city of Pratt City.

H. 119. To vacate and annul the charter and dissolve the corporation of the city of Ensley.

H. 120. To vacate and annul the charter and dissolve the corporation of the city of Avondale.

H. 121. To vacate and annul the charter and dissolve the corporation of the city of Woodlawn.

H. 185. To authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of the county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the legislature from said county. And this act is to apply to and include all local bills for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill and no other.

H. 196. To repeal "An act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved December 5, 1900.

Mr. Lindsey, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 164. To amend section 6964, chapter 224, of the Code of Alabama, 1907.

H. 183. To amend section 6957 of the Code of Alabama, 1907.

Mr. Lindsey, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted upon the following bill and ordered same returned to the House with a favorable report, with substitute:

S. 40. For the further protection of fish; to make it unlawful to use nets, seines, or any devices or substitutes for the seine, in streams or bodies of water emptying into salt water or tide water; to provide for a closed season on bass, trout, mullet and red fish; and to limit the size of the mesh of seines used in salt water.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 246. (With amendment.) To amend an act entitled "An act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 128, 78 thereof and adding sections 94½, 107½, 137½, 139½, 140½.

H. 137. (With amendment.) To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintenance of structures for the public convenience on such vacated portions of streets.

H. 6. (With amendment.) To authorize the larger cities of the State to adopt the commission form of government and to provide a system for such government.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 58. To amend section 3487 of the Code of Alabama (1907).

H. 100. To regulate the sale of paints and white lead.

H. 125. To amend sections 3651 and 3654 of the Code of 1907.

Mr. Arnold, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 190. To submit to the qualified electors a proposed amendment to the constitution declaring negroes ineligible to hold office in Alabama to be designated as section 280 a.

Mr. Lindsey, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 40. To amend section 6902 of the Code of 1907.

H. 195. To amend section 6902 of the Code of Alabama.

H. 186. To amend section 6971 of the Code of Alabama of 1907.

H. 199. To amend section 6964 of the Code.

H. 200. To provide a game and fish protective fund for each county in the State, and prescribe how the same shall be used.

A JOINT RESOLUTION.

A joint resolution to propose an amendment to the constitution of the State of Alabama, for the purpose of amending section 39 of article II thereof, and to order an election for its ratification.

Be it resolved by the House of Representatives, the Senate concurring, That there shall be and there is hereby proposed an amendment to the constitution of the State for the purpose of amending section 39 of article II by adding thereto and at the conclusion thereof, the following words and figures:

And providing further that out of the county of Jefferson there shall be and there is hereby created and established a new county of less extent than 600 square miles, which shall be called Pettus, and with its boundary lines as follows:

Commencing at a point where the range line dividing ranges 2 and 3 west in township 19 intersects the Cahaba river, thence running north on the said range line to the northeast corner of the southeast quarter of section 1, township 19, range three west, thence west three miles, thence north one half mile, thence west one mile to the northeast corner of section 4, thence north one half mile, thence west one mile to the northwest corner of the southwest quarter of section 32, thence north three-fourths of a mile, thence west three-fourths of a mile, thence north one-half mile, thence west one-fourth of a mile, thence north one-half mile to the northeast corner of southeast quarter of the southeast quarter of section 24, township 18, range 4 west. Thence west one-fourth of a mile, thence north one-fourth of a mile, thence west one-half mile, thence north three-fourths of a mile to the northeast corner of the southwest quarter of the southwest quarter of section 13, township 18, range 4 west. Thence west one-half mile, thence north one and one-fourth miles to the northeast corner of northwest quarter of southeast quarter of section 11, thence west three-fourths of a mile, thence north one and one-half miles, to the northeast corner of section 3, township 18, range 4 west. Thence west two miles, thence north four miles to the northeast corner of section 17, township 17, range 4 west. Thence west one mile, thence north two miles to the township line dividing townships 16 and 17. Thence west along said township line to the county line dividing the counties of Jefferson and Walker; thence south along said county line and with its variations to the Black Warrior river; thence down along and with the meanderings of said Black Warrior river to a point where the county line dividing the counties of Jefferson and Tuscaloosa turn off from said river to the east; thence with and along said county line with its variations to its intersection with the county line of Bibb county; thence along and with the county line dividing the counties of Jefferson and Bibb to its intersection with the county lines of Jefferson and Shelby, thence along said county line dividing the counties of Jefferson and Shelby to point of beginning.

Section 2. And be it further resolved, That there shall be and there is hereby an election ordered to be held by the qualified electors of the State on the day of the general election in November, A. D. 1910 to vote on the above proposed constitutional amendment, and the Governor of the State shall by proclamation, give notice of this election with a copy of the proposed amendment and cause the same to be published once a week for eight consecutive weeks next preceding the day of election in a newspaper published in each county of the State in which a newspaper is published, and posting a copy of the same at the court house of each county in which no newspaper is published.

The above House joint resolution 34 was read a second time at length on this August 5th, 1909, and placed on the calendar.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Fuller.

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

Temperance.

By Mr. Cooper. (With Notice and Proof.)

H. 258. To abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

Municipal Organization.

Notice and proof H. 258:

State of Alabama, }
Calhoun County. }

Before me, E. W. Ledbetter, a notary public in and for said county, personally appeared J. T. Fain, who, being duly sworn, doth depose and say that he is the editor and general manager of the Anniston Evening Star, a newspaper published in the city of Anniston, county of Calhoun, State of Alabama; that the following notice, towit:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the special session to be held, beginning July 27, 1909, to pass an act in substance as follows:

An act to abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

Be it enacted by the Legislature of Alabama, That the municipal corporation of the town of Hobson City, in Calhoun county, Alabama, be, and the same is hereby, abolished.

Was published in the said Anniston Evening Star once a week for four consecutive weeks, namely, on July 13th, July 20th, July 27th and August 3rd, all during the year 1909; that affiant has personal knowledge of the publication of said notice in said newspaper on the days hereinabove mentioned.

J. T. FAIN.

Sworn to and subscribed before me, this the 3rd day of August, 1909.

E. W. LEDBETTER,
Notary Public.

By Mr. Cooper.

H. 259. To provide for and regulate the manufacture, sale and inspection of mixed feed stuffs in Alabama, and to provide penalties for violations of this act.

Public Health.

By Mr. Cooper. (With Notice and Proof.)

H. 260. To rearrange the boundaries of the town of Oxford, Calhoun county, Alabama.

Municipal Organization.

Notice and proof H. 260:

State of Alabama, }
Calhoun County. }

Before me, E. W. Ledbetter, a notary public in and for said county, personally appeared J. T. Fain, who, being duly sworn, doth depose and say that he is the editor and general manager of the Anniston Evening Star, a newspaper published in the city of Anniston, county of Calhoun, State of Alabama; that the following notice, to wit:

NOTICE.

Notice is hereby given that application will be made to the Legislature of the State of Alabama, at the special session to be held beginning July 27, 1909, to pass an act to rearrange the boundaries of the town of Oxford, Calhoun county, Alabama, in substance as follows:

Section 1. Be it enacted by the Legislature of Alabama, That the corporate limits of the town of Oxford, in Calhoun county, Alabama, shall embrace and include all the territory within the following boundaries, to wit: Beginning at a point on the section line between sections nineteen and thirty, in township sixteen, range eight, one-half mile west from the point where said section line is intersected by the electric car line on Main street, in the town of Oxford, near the Bank of Oxford corner; thence running south, turning to the east by a circular line to a point on said section line one-half mile east from the point where said section line is intersected by said electric car line on Main street near the Bank of Oxford corner, forming a semi-circle on the south side of said section line with a radius of one-half a mile; thence from the point on said section line one-half mile east from the place where said section line is intersected by said electric car line on Main street near the Bank of Oxford corner, north to a point one hundred feet north

of the half section line dividing said section nineteen east and west; thence west on a line parallel with said half section line one mile; then south to the point of beginning.

Was published in the said Anniston Evening Star once a week for four consecutive weeks, namely, on July 13th, July 20th, July 27th and August 3rd, all during the year 1909; that affiant has personal knowledge of the publication of said notice in said newspaper on the days hereinabove mentioned.

J. T. FAIN.

Sworn to and subscribed before me, this the 3rd day of August, 1909.

E. W. LEDBETTER,
Notary Public.

By Mr. Cooper. (By request.)

H. 261. To perpetuate the United States government surveys of lands by re-marking intelligently the section corners as located and witnessed by the United States surveys; and to further mark the corners of subdivisions of sections in an intelligent manner; and to provide markers, set the markers, record the old witnesses and new witnesses, together with the date of survey.

Judiciary.

By Mr. Rushton.

H. 262. To provide what shall be the contents of insurance policies issued by companies authorized to issue insurance policies in this State.

Banking and Insurance.

By Mr. Rushton. (By request.)

H. 263. To regulate the writing of fire insurance, and to prohibit the furnishing of information concerning same to those not authorized by law to receive such information, and to provide penalties for violations of the provisions of this act.

Banking and Insurance.

By Mr. Garner. (By request.)

H. 264. To fix the time of holding the circuit court in the third judicial circuit of the State of Alabama.

Judiciary.

By Mr. King.

Banking and Insurance.

H. 265. To fix and regulate the salaries of probate judges, sheriffs, clerks (or clerks and registers), of the circuit, city, law and equity, criminal or other courts of record, registers in chancery, tax assessors and tax collectors; to provide for the distribution of the fees of their offices; to provide for the employment and compensation of the deputies of said officers in counties having 50,000 population and over.

Judiciary.

By Mr. Mastin.

H. 266. To amend section 6262 of the Code of Alabama.

Judiciary.

By Mr. Rice.

H. 267. To regulate the conduct of the retail beverage business so that it may not be made the means of evading and violating the prohibitory liquor laws of the State, and to prescribe remedies and procedure for securing compliance with this act.

Temperance.

By Mr. Sherrod.

H. 268. To amend sections 7640 and 7641 of the Code of 1907.

Revision of Laws.

By Mr. Lee, of Etowah.

H. 269. To create and provide for advisory committees of women to sit with the board of trustees of all the schools, colleges and other institutions of learning maintained by the State, and under the control and management of appointive boards of trustees; to define the duties of such advisory committees, and to provide for the method of their appointment.

Education.

By Mr. Vann.

H. 270. To regulate the sale of seed grain and to provide penalties for the violation thereof.

Agriculture.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on engrossed bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 31, H. 32, H. 59, H. 13, H. 73.

ERNEST LACY, Chairman.

And the report of the committee was concurred in.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted House joint resolution 36 relative to the election of United States Senators by a direct vote of the people, and herewith return said resolution to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 51. To amend section 2411 of the Code of Alabama.

S. 52. To amend section 2868 of the Code of Alabama.

S. 58. To provide for the construction, maintenance, improvement, and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing

apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

And sends same herewith to the House with notice and proof attached and herewith exhibited as follows:

S. 58. To provide for the construction, maintenance, improvement, and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

S. 69. To amend sections 9, 14, 15 and 18 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon.

And sends same herewith to the House with notice and proof attached and herewith exhibited as follows:

LEGISLATIVE NOTICE.

Notice is hereby given that a bill will be introduced at the extra session of the Legislature of Alabama, to be held during the year 1909, for the passage of the following bill: "A bill to be entitled an act to amend sections 9, 14, 15 and 18 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon approved February 18th, 1891, as follows: to amend section 9 by striking out the words five hundred and inserting in lieu thereof the words seven hundred and fifty, and to amend section 14 by striking out the word eighteen and inserting in lieu thereof the word twenty-four, and to amend section 15 by striking out the words one dollar and fifty cents, and inserting in lieu thereof the words two dollars, and to further amend section 15 by striking out the words "if he resides more than seven miles from the court house of said county," and to amend section 18 by striking out the word two and inserting in lieu thereof the word five."

H. P. MERRITT.

State of Alabama, }
Macon County. }

Before me, H. P. Merritt, a notary public in and for said county and State, personally appeared C. W. Hare, publisher of the Tuskegee News, and on oath says that the attached notice was published for four consecutive weeks in said newspaper, said publication commencing on the 1st day of July, 1909, and ending on the 22nd day of July, 1909.

C. W. HARE.

Sworn to and subscribed before me this the 26th day of July, 1909.

H. P. MERRITT,
Notary Public.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 51, S. 52.

Public Roads and Highways, S. 58.

Local Legislation, S. 69.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bill :

H. 80. To repeal an act entitled "An act to provide for the working of the public roads of Hale county, Alabama, for levying a tax for the same and how same shall be expended," approved August 7th, 1907.

And return same herewith to the House.

J. A. KYLE, Secretary.

WITHDRAWAL OF BILL.

Mr. Hoffman asked unanimous consent to withdraw H. 171. Consent was granted and the bill H. 171 was withdrawn.

SPECIAL ORDER.

The hour having arrived the House proceeded to the consideration of the special order which was the bill,

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

Mr. Sample offered the following amendment to the bill, H. 172:

"Amend by striking out of the caption in lines 2, 3 and 4 and out of lines 4, 5 and 6, in paragraph 1, the following words, "Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature," and by inserting in lieu thereof both in the caption and Sec. 1 the following Tuesday after the first Monday in November, 1910.

Mr. Ballard, of Autauga, moved to table the amendment offered by Mr. Sample and the amendment offered by Mr. Sample was laid upon the table.

And the bill,

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the Constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

Was read a third time, at length and passed; yeas, 70; nays, 29.

Yeas:

Messrs. Speaker	Brown	Cunningham
Altman	Bulger	Doyle (Clarke)
Arrington	Burney	Doyle (Marengo)
Avery	Cannon	Dudley
Ballard (Autauga)	Carmichael	Elrod
Ballard (Pike)	Coleman	Fuller
Benners	Cooper	Garner
Belson	Crum	Haley

Henley
Hughes
John
Johnson
Jones
Killen
Kirby
Lancaster
Lawson
Lee (Barbour)
Lee (Etowah)
Lee (Houston)
Lindsey
Malone
Middleton
Mitchell

Moore
McCrary
McCurdy
McDuffie
McMillan
Oliver
Pearson
Peete
Pitts (Perry)
Powell (Bullock)
Powell (Covington)
Price
Pugh
Ragsdale
Rowe

Rushton
Sanders
Sanford
Seale
Smith (Elmore)
Smith (Etowah)
Smith (Lee)
Tarrant
Thompson
Turner
Urquhart
Vann
Wittmeier
White (Lamar)
Williams (Lee)

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Nays:
Messrs.

Alford
Arnold
Baltzell
Barton
Bloch
Cranford
Edwards
Glover
Gunter
Hoffman

Jenkins
King
Lacy (Walker)
Long (Morgan)
Lyons
Mastin
Mayfield
Norville
Pitts (Dallas)
Pratt

Rainer
Rice
Sample
Sherrod
Stollenwerck
Tunstall
White (Perry)
Williams (Barbour)
Woolf

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ADJOURNMENT.

On motion of Mr. Lee, of Etowah, the House adjourned until 9:30 o'clock tomorrow morning.

NINTH DAY.

House of Representatives,
MONTGOMERY, Ala., Friday, Aug. 6th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Malone, of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Malone	Garner	Mayfield
Messrs. Speaker	Glover	Middleton
Alford	Gunter	Mitchell
Altman	Haley	Moore
Arnold	Henley	McCrary
Ballard (Autauga)	Hoffman	McCurdy
Ballard (Pike)	Hughes	McDuffie
Baltzell	Jenkins	Norville
Barton	John	Oliver
Benners	Johnson	Parker
Benson	Jones	Pearson
Bloch	Killen	Pitts (Dallas)
Brown	King	Pitts (Perry)
Bulger	Kirby	Powell (Covington)
Burney	Lacy (Walker)	Pratt
Cannon	Lancaster	Price
Carmichael	Lawson	Pugh
Ccleman	Lee (Barbour)	Rainer
Cooper	Lee (Etowah)	Ratray
Crum	Lee (Houston)	Rice
Cunningham	Lindsey	Rowe
Doyle (Clarke)	Long (Butler)	Rushton
Doyle (Marengo)	Long (Morgan)	Sample
Dudley	Lyons	Sanders
Edwards	Malone	Sanford
Fuller		

Elrod	Tarrant	Wittmeier
Seale	Thompson	White (Lamar)
Sherrod	Tunstall	Williams (Barbour)
Smith (Elmore)	Turner	Williams (Lee)
Smith (Lee)	Urquhart	Woolf
Stollenwerck	Vann	

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal beg leave to report as follows:

We have examined the Journal for the eighth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the eighth day was approved.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. W. J. Holland, of Escambia; Hon. J. M. Kyle, of Marshall; Hon. W. M. Callahan, of Morgan; Hon. G. A. Sorrell, of Tallapoosa; Dr. R. D. Jackson, of Birmingham; Hon. D. H. Riddle, of Coosa; Hon. H. B. Steagall, of Dale, and Hon. J. M. Foster, of Montgomery, for today.

LEAVE OF ABSENCE.

Was granted to Messrs. Avery, McMillan, for today; Smith, of Etowah, indefinitely; Powell, of Bullock, until Monday; Cranford, today and tomorrow; White, of Perry, two days.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 39. Resolved, That House bill 104 be made a paramount and continuing order for Friday morning after H. 246.

Rules Committee.

H. R. 40. Resolved, That H. 246, be made a special order for today, Friday, after H. 11 to 20 and that H. 169, S. 23 be made special orders for Friday after H. 246.

And the resolutions were adopted.

RESOLUTIONS.

The following resolution was introduced and referred to the committee on Rules:

By Mr. Vann.

H. R. 42. Resolved, That H. 79 relating to pure food and drugs be made a special order for Saturday, Aug. 7th, immediately after the call for introduction of bills.

The following resolution was introduced and the rules were suspended and the resolution was adopted.

By Mr. Glover.

H. R. 41. Resolved, That the House remain in session today until 2:30 o'clock and that it thereupon adjourn and stand adjourned until 12 o'clock noon on Monday, August 9th, 1909.

The following resolution was introduced:

H. J. R. 43. By Mr. Woolf.

A JOINT RESOLUTION.

To propose an amendment to the constitution of the State of Alabama, for the purpose of amending section 39 of article 2 thereof, and to order an election for its ratification.

Be it resolved by the House of Representatives, the Senate concurring, That there shall be and there is hereby proposed an amendment to the constitution of the State for the purpose of amending section 39 of article 2 by adding thereto and at the conclusion thereof, the following words and figures:

And provided further, that out of the counties of Marengo, Hale, Sumpter and Perry there shall be and there is hereby created and established a new county of less extent than six hundred square miles, which shall be called King and composed of the following described territory: Township 17, range 1, 2, 3, 4 and 5; township 18, fractional part of range 2, 3 and 4 in Marengo county; township 19, fractional part of range 1 and 2 east, township 18, fractional part of range 1 and 2; township 17, fractional part of range 1, in Sumter county; township 18 and fractional part of range 3 and 4 and all of range 5 in Hale county; township 18, range 6, township 17, range 6, township 16, range 6, in Perry county.

Section 2. And be it further resolved, That there shall be and there is hereby ordered an election to be held by the qualified electors of the State of Alabama on the day of the general election 1910 to vote on the above proposed constitutional amendment, and the Governor of the State shall, by proclamation, give notice of this election with a copy of the proposed amendment and cause the same to be published once a week for eight consecutive weeks next preceding the day of election in a newspaper published in each county of the State in which a newspaper is published, and by posting a copy of the same at the court house of each county in which no newspaper is published.

And was read one time at length and referred to the standing committee on Counties and County Boundaries.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 86. To amend sections 7632 and 7635 of the Code of 1907.

H. 133. To authorize the State of Alabama to subscribe for three hundred copies of the sixth volume of Mayfield's Digest of the decisions of the Supreme Court of Alabama.

H. 187. To authorize the purchase of school lots on lands in and to which the mineral rights can not be had.

H. 192. Authorizing grantees in conveyances of real property which correctly describe the real property intended to be conveyed to maintain in the chancery courts of this State, or in courts of this State having like jurisdiction, bills for the correction of conveyances which were intended to convey said lands, where a mistake was made in the description of the lands in the conveyance so sought to be corrected, when the party filing said bill has title by direct conveyance or by mesne conveyances from the grantee in the conveyance sought to be corrected.

H. 201. To provide for the payment of fees and necessary expenses incurred in the capture of criminals who flee into another State, and who, when captured return without requisition from the Governor.

H. 210. To require courts of county commissioners and boards of revenue, in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money.

By Mr. Sanford.

H. 212. To provide for holding the circuit court in new counties.

H. 213. To provide for the removal and transfer, upon the organization of new counties, of all the matters of equity litigation and causes from any court of record held in that part of any old county that is cut off into a new county to the chancery court of the new county.

H. 214. To provide for the removal and transfer, upon the organization of new counties, of all matters of litigation except equity cases, from any court of record held in that part of any old county that has been cut off into a new county, to the circuit court of the new county.

H. 215. To provide for holding the chancery court in new counties.

H. 233. To amend section 7851 of the Code of Alabama.

H. 232. To stipulate how the service of process may be effected upon certain unincorporated organizations or associations.

H. 249. To provide an official stenographic reporter for the circuit courts, city courts and other law courts of record for each of the several judicial circuits of Alabama, and to prescribe his duties and compensation.

H. 254. To amend section 4335 of the Code of Alabama of 1907.

S. 55. To amend section 5765 of the Code of Alabama of 1907.

S. 32. To provide for the annual reports of registers in chancery, probate judges, sheriffs and clerks of courts of record, of all fiduciary funds in their hands in their official capacity.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 166. To amend section 859 of the Code of Alabama.

H. 188. To amend section 1912 of the Code.

H. 197. To amend section 6250 of the Code.

H. 198. To amend section 6349 of the Code.

H. 234. To amend section 4830 of the Code of Alabama, 1907.

H. 240. To repeal so much of an act entitled "An act to provide for more efficient working of the public roads in Green, Lowndes and Perry Counties, and appointment of district road inspectors for Green, Lowndes and Perry Counties, approved February 12th, 1897, as relates to Lowndes County.

H. 241. To repeal so much of an act entitled "An act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18th, 1899," as relates to Lowndes county.

H. 242. To repeal an act entitled "An act to secure better public roads and bridges in Lowndes county, approved February 17th, 1885."

H. 252. To amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor, approved February 6, 1895.

H. 255. To amend section 4032 of the Code of Alabama, 1907.

S. 33. To amend section 6475 of the Code of Alabama.

Mr. Long, of Butler, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 67. To amend sections 1, 5, 8 and 30, of an act entitled "An act to regulate railroads and other common carriers; to secure reasonable rates and adequate service, and to prevent unjust discrimination in their public service, and prescribe penalties for the violation thereof," approved February 23, 1907.

H. 152. To regulate sales of stocks of merchandise in bulk, or portions thereof, otherwise than in the ordinary course of trade.

H. 178. To amend sections 6620 and 6621 of the Code of Alabama, 1907.

H. 208. To define certain passenger traffic contracts between the railroads and the traveling public.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 270. To regulate the sale of seed grain and to provide penalties for the violation thereof.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

H. 267. To regulate the conduct of the retail beverage business so that it may not be made the means of evading and violating the prohibitory liquor laws of the State, and to prescribe remedies and procedure for securing compliance with this act.

By Mr. Lee, of Etowah.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute:

H. 110. (With substitute.) To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, Norah Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 238. To authorize the city of Graymont, Alabama, to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the city of Graymont, and for the purpose of acquiring a site and building a school house thereon and equipping the same.

H. 250. To provide for the holding of two terms each year of the circuit court of Marshall county, at Albertville, to provide for the jurisdiction thereof and to regulate proceedings therein.

Mr. Vann, acting chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 259. (With amendment.) To provide for and regulate the manufacture, sale and inspection of mixed feed stuffs in Alabama, and to provide penalties for violations of this act.

Mr. Smith, of Elmore, chairman of the standing committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 58. To provide for the construction, maintenance, improvement, and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 203. To amend section 16 of an act, entitled "An act to provide for the organization, incorporation, government, and regulation of cities and towns, and to define the rights, powers, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the **Municipal Code Bill**.

H. 209. To empower cities in Alabama having not less than twenty-five thousand inhabitants, to regulate and control amusements in such cities.

H. 224. To authorize and empower cities of the State of Alabama having, according to the next preceding census, a population of more than thirty-five thousand, to compel the **construction and maintenance of bridges, viaducts and tunnels and their approaches, over, under, or across railroad tracks within the city limits of such cities**; and to provide for defraying the expenses of the same, and penalties for the violation of this act.

H. 227. To amend section 20 of an act approved August 13th, 1907, to provide for the organization, incorporation, government and regulation of cities and towns, to define the rights, powers, duties, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for the violations of the provisions of this act.

H. 258. To abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

H. 260. To rearrange the boundaries of the town of Oxford, Calhoun county, Alabama.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

S. 57. To repeal sections 4483 and 4484 of the Code of Alabama.

H. 57. To amend section 1364 of the Code.

H. 92. To amend section 4156 of the Code of 1907.

H. 126. To repeal an act to provide for the election of a solicitor for Jefferson county and define his duties, approved November 7th, 1886, and to repeal all acts amending the act of November 27th, 1886 and all acts relating to the office of county solicitor of Jefferson county, Alabama.

H. 127. To prescribe the duties of the solicitor of the Tenth judicial circuit composed of the county of Jefferson, fixing his compensation, provide for the necessary professional and clerical assistants and fix their salaries and provide an expense fund for contingent expenses of the office.

H. 131. To amend section 6733 of the Code of Alabama of 1907.

H. 147. To provide compensation to probate judges of the several counties of the State for rendering the services required under sections No. 318 and 319 of the Code of Alabama in regard to the registration and certification of voters to be paid from county treasuries.

H. 153. To amend section 5304 of the Code of 1907.

H. 170. To require the probate judges of the State to furnish lists of qualified electors of the several counties to the managers of elections and to provide compensation therefor.

H. 191. To amend section 4196 of the Code of Alabama.

H. 237. To repeal sections 3654, 3655, 3656, 3657, of the Code of 1907.

H. 244. To amend section 5175 of the Code of Alabama, 1907.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 268. To amend sections 7640 and 7641 of the Code of 1907.

H. 135. To amend section 6657 of the Criminal Code of Alabama.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Ballard, of Autauga.

H. 271. To better secure the enforcement of the laws of the State, to prescribe duties of sheriffs and solicitors in the enforcement of laws and to authorize their impeachment for willful neglect of duty.

Temperance.

By Mr. Fuller.

H. 272. To provide rewards for killing hawks, and to provide for payment of such rewards.

Game, Fish and Forestry Preservation.

By Mr. Oliver.

H. 273. To amend section 2024 of the Code of Alabama, of 1907.

Appropriations.

By Mr. Oliver.

S. 274. To amend section 4032 of the Code of Alabama, 1907.

Revision of Laws.

By Mr. Haley.

H. 275. To amend sections 3647 and 3648 of the Code of 1907.

Judiciary.

By Mr. Haley. (With Notice and Proof.)

H. 276. To vacate and annul certain streets and alleys in, through and between blocks 94, 95 and 96 of East Lake Land Company's survey of East Lake, Alabama.

Local Legislation.

Notice and proof H. 276:

NOTICE.

Notice is hereby given that a bill will be introduced in the extra session of the Legislature of Alabama, to vacate and annul certain parts of certain streets and alleys in blocks 94, 95 and 96, of East Lake Land Com-

pany's survey, at East Lake, Alabama. Said portions of streets and alleys to be vacated are those parts of the streets and alleys which cross or intersect the campus of Howard College, and the other property belonging to Howard College within said blocks.

State of Alabama, }
Jefferson County. }

Before me, A. D. Peck, a notary public in and for said State and county, personally appeared E. W. Ellis, who being duly sworn, says upon oath that he is bookkeeper of the Birmingham News, a daily newspaper published in the city of Birmingham, in said State and county, and that the notice hereto attached was published once a week for four consecutive weeks in said Birmingham News, on the following dates, viz., July 14th, July 21st, July 28th, and August 4th, 1909. E. W. ELLIS.

Sworn to and subscribed before me, this August 4th, 1909. A. D. PECK, Notary Public.

By Mr. Urquhart.

H. 277. To provide for the protection of secret orders, societies and fraternities.

Revision of Laws.

By Mr. McCurdy. (With Notice and Proof.)

H. 278. To amend an act entitled "An act for the improvement of the public roads of Lowndes county, approved August 2nd, 1907, by repealing sections one, two, three, four, five, six and seven of said act.

Revision of Laws.

Notice and proof H. 278:

NOTICE.

Notice is hereby given that a bill will be introduced at the extraordinary session of the Legislature of Alabama which convenes on July 27th, 1909, to amend an act entitled an act for the improvement of the public roads of Lowndes county, approved August 2nd, 1907, by repealing sections one, two, three, four, five, six and seven of said act.

EVANS HINSON,
W. D. McCURDY.

State of Alabama, }
 Lowndes County. }

Personally appeared before me, J. C. Wood, judge of probate in and for said county, Mrs. Estelle Garrett who, being by me first duly sworn, deposes and says that she is the owner and publisher of the Citizen-Examiner, a newspaper published at Hayneville in said county and State, and that the notice, a true copy of which is hereinabove set out, was published in said paper for four consecutive weeks commencing on Thursday, the 15th of July, 1909, and on July 22nd, July 29th and August 5th, 1909.

MRS. ESTELLE GARRETT.

Subscribed and sworn to before me, on this the 5th day of August, 1909.

J. C. WOOD,
 Judge of Probate Court, Lowndes County, Alabama.

By Mr. Kirby.

H. 279. To amend section 1867 of the Code of Alabama of 1907.

Education.

By Mr. Pearson. (With Notice and Proof.)

H. 280. To abolish the county court of Shelby county of which the judge of probate is ex-officio the judge, and to provide for the transfer of all cases pending in said abolished court to the county court of Shelby county established by this special session of the Legislature.

Local Legislation.

Notice and proof H. 280:

To whom it may concern:

This is to give notice that a bill will be introduced at the called session of the Legislature of Alabama, called to meet at the capitol, in the city of Montgomery, on the 27th day of July, 1909, to establish an inferior court of law and equity for the county of Shelby, to be called "The County Court of Shelby County," and which shall be a court of record, and which shall have and exercise all the jurisdiction, and powers, which are now, or may hereafter be, conferred by law, on the several circuit and chancery courts of the State, as well as those now conferred upon the present county court, of the county of Shelby, and also to abolish the present county court of Shelby county.

The State of Alabama, }
 Shelby County. }

Before me the undersigned authority, personally appeared J. A. McKnight, known to me to be the editor and publisher of the Shelby County Sentinel, a newspaper published at Columbiana, Shelby county, Alabama, who being by me first duly sworn, deposes and says that the hereto attached notice of a bill to be introduced at the special term of the Legislature abolishing the present county court of Shelby county, was published in said newspaper once a week for four consecutive weeks, to wit: July 15th, 1909, July 22nd, 1909, July 29th, 1909, and August 5th, 1909.

J. A. MACKNIGHT,
 Editor and Publisher of Shelby County Sentinel.

Sworn to and subscribed before me this August 5th, 1909.

ANNIE FINLEY,
 Notary Public in and for Shelby County.

The State of Alabama, }
 Montgomery County. }

Before me, notary public in and for said State and county, personally appeared L. H. Ellis, who first being duly sworn by me, deposes and says on oath that the Shelby County Sentinel above referred to is a weekly newspaper published at Columbiana, in Shelby county, Alabama, and was such during the months of July and August, 1909, and that the notice hereto attached and referred to in the above affidavit of J. A. McKnight was published in the regular weekly issues of said paper of date July 15th, 1909, July 22nd, 1909, July 29th, 1909, and Aug. 5th, 1909, and was published four consecutive weeks in said newspaper.

L. H. ELLIS.

Sworn to and subscribed before me this the 6th day of August, 1909.

CYRUS B. BROWN,
 Notary Public.

By Mr. Pearson. (With Notice and Proof.)

H. 281. To establish a county court for the county of Shelby.

Local Legislation.

Notice and proof H. 281:

To whom it may concern:

This is to give notice that a bill will be introduced at the called session of the Legislature of Alabama, called to meet at the capitol, in the city of Montgomery, on the 27th day of July, 1909, to establish an inferior court of law and equity for the county of Shelby, to be called "The County Court of Shelby County," and which shall be a court of record, and which shall have and exercise all the jurisdiction, and powers, which are now, or may hereafter be, conferred by law, on the several circuit and chancery courts of the State, as well as those now conferred upon the present county court, of the county of Shelby, and also to abolish the present county court of Shelby county.

The State of Alabama, }
Shelby County.

Before me the undersigned authority, personally appeared J. A. McKnight, known to me to be the editor and publisher of the Shelby County Sentinel, a newspaper published at Columbiana, Shelby county, Alabama, who being by me first duly sworn, deposes and says that the hereto attached notice of a bill to be introduced at the special term of the Legislature establishing "The county court of Shelby county," was published in said newspaper once a week for four consecutive weeks, to-wit: July 15th, 1909, July 22nd, 1909, July 29th, 1909, and August 5th, 1909.

J. A. MACKNIGHT,

Editor and Publisher of Shelby County Sentinel.

Sworn to and subscribed before me this August 5th, 1909.

ANNIE FINLEY,

Notary Public in and for Shelby County.

The State of Alabama, }
Montgomery County.

Before me, notary public in and for said State and county, personally appeared L. H. Ellis, who first being duly sworn by me, deposes and says on oath that the Shelby County Sentinel above referred to is a weekly

newspaper published at Columbiana, in Shelby county, Alabama, and was such during the months of July and August, 1909, and that the notice hereto attached and referred to in the above affidavit of J. A. McKnight was published in the regular weekly issues of said paper of date July 15th, 1909, July 22nd, 1909, July 29th, 1909, and Aug. 5th, 1909, and was published four consecutive weeks in said newspaper.

L. H. ELLIS.

Sworn to and subscribed before me this the 6th day of August, 1909.

CYRUS B. BROWN,

Notary Public.

By Mr. Sanford.

H. 282. To define the jurisdiction of and to prevent the issuance of injunction by courts of equity in certain cases.

Judiciary.

By Mr. Mayfield.

H. 283. To amend sections 1302, 1305 and 1307 of the Code.

Public Health.

By Mr. Barton. (Notice and proof.)

H. 284. To authorize and require the faculty of the State High School of Winston county, Alabama, to include the regular seventh grade of the public schools in its curriculum for the next five years.

Education.

Notice and proof H. 284:

NOTICE.

Notice is hereby given that there will be a bill presented to the Legislature of Alabama at the forthcoming and present called session, to require the faculty of the high school of Winston county to include the regular seventh grade of the public schools in its curriculum for the next five years. This July 6th, 1909.

The State of Alabama, }
 Winston County. }

I, Geo. W. Adkins, editor and proprietor of the New Era, a weekly newspaper published in said county and State, hereby certify that the annexed notice of special law to allow seventh grade taught in Winston county High School, hereto attached, has been published in said paper for four successive issues prior to date, making 30 day this 2nd day of August, 1909.

GEO. W. ADKINS, Ed. Era.

Sworn to and subscribed before me, this 2nd day of Aug., 1909.

JOHN S. CURTIS,
 Probate Judge.

By Mr. Lyons.

H. 285. For the preservation and protection of the public oyster reefs and beds in the waters of Alabama; to provide for the establishment of a board of oyster commissioners, to prescribe their duties and provide for their compensation; to regulate the manner of taking and catching oysters on such public reefs and private bedding grounds, and to prescribe the measure of oysters in the shell; to prescribe license fees for boats engaged in taking and catching oysters; to fix and prescribe a tax upon oysters canned and packed in this State; to provide for the protection and patrol of oyster grounds and to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of any of the provisions of this act; and to create the oyster protection fund from monies arising under the provisions of this act, for the purpose of defraying the expenses of the oyster commission, and generally to regulate and control the oyster industry and matters connected therewith.

Game, Fish and Forestry Preservation.

By Mr. Gunter.

H. 286. To adopt a Code.

Judiciary.

By Mr. McDuffie. (By request.)

H. 287. To repeal section 3394 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Rowe.

H. 288. To require the courts of county commissioners, boards of revenue, or like officers of each county in the State of Alabama to pay, out of any funds in the county treasury, all the expense, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance is successful.

Counties and County Boundaries.

By Mr. Ballard, of Autauga.

H. 289. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said towns and cities if the licensee violates said ordinances, and power to provide for the destruction of contraband liquors.

Temperance.

NOTICE TO TAKE FROM ADVERSE CALENDAR.

Mr. Haley gave notice that on the next legislative day he would move to take from the adverse calendar the bill, H. 40.

Mr. Lacy, of Walker, gave notice that on the next legislative day he would move to take the bill, H. 200, from the adverse calendar.

Mr. Benson gave notice that on the next legislative day he would move to take from the adverse calendar the bill, H. 186.

RECOMMITTAL OF BILL.

Mr. Gunter, chairman of the standing committee on Municipal Organization, returned to the House the bill,

H. 225. To amend section 4764 of the Code of Alabama.

With the request that the bill, H. 225, be recommitted to the standing committee on Revision of Laws and, the bill, H. 225,

H. 225. To amend section 4764 of the Code of Alabama,

Was recommitted to the standing committee on Revision of Laws.

BILLS ON THIRD READING.

H. 158. (With amendment.) To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23rd, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled "An act to amend sections six (6) and twenty-five (25) of an act approved February 18th, 1895, entitled 'an act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."

Was taken up. The question was upon the adoption of the amendment offered by the standing committee on Judiciary, said amendment being as follows:

Amend section 1 by inserting immediately after the words "and such judge of the said court shall hold office" the following words, "from the first Monday after the second Tuesday in January next after their election, and."

Also amend section one by striking out the proviso at the end thereof, which reads as follows:

"Provided that the term of the present judge of said city court of Talladega is hereby extended until January first, 1911, or until his successor is elected and qualified as herein provided."

And the amendment was adopted.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker

Alford

Altman

Arnold

Ballard (Autauga)

Baltzell

Barton

Benners

Benson

Bloch	Jones	Pugh
Brown	Killen	Rainer
Bulger	King	Rattray
Burney	Kirby	Rice
Cannon	Lancaster	Rowe
Coleman	Lawson	Rushton
Cooper	Lee (Etowah)	Sample
Crum	Lindsey	Sanders
Dudley	Lyons	Sanford
Elrod	Malone	Seale
Fuller	Mayfield	Sherrod
Garner	Middleton	Smith (Lee)
Glover	Mitchell	Tarrant
Gunter	Moore	Thompson
Haley	Norville	Tunstall
Henley	Oliver	Turner
Hughes	Pearson	Urquhart
Jenkins	Pitts (Dallas)	Vann
John	Pratt	Wittmeler
Johnson	Pratt	Woolf

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And the bill,

H. 158. To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23rd, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled "an act to amend sections six (6) and twenty-five (25) of an act approved February 18th, 1895, entitled 'an act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."

As amended, was read a third time, at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Barton	Burney
Alford	Benners	Cannon
Altman	Benson	Coleman
Arnold	Bloch	Cooper
Ballard (Autauga)	Brown	Crum
Baltzell	Bulger	Dudley

Elrod	Lee (Etowah)	Rice
Fuller	Lindsey	Rowe
Garner	Lyons	Rushton
Glover	Malone	Sample
Gunter	Mayfield	Sanders
Haley	Middleton	Sanford
Henley	Mitchell	Seale
Hughes	Moore	Sherrod
Jenkins	Norville	Smith (Lee)
John	Oliver	Tarrant
Johnson	Pearson	Thompson
Jones	Pitts (Perry)	Tunstall
Killen	Pratt	Turner
King	Price	Urquhart
Kirby	Pugh	Vann
Lancaster	Rainer	Wittmeier
Lawson	Ratray	Woolf

—69

H. 144. To create the office of county solicitor for Conecuh county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

Was read a third time, at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Duiley	Lancaster
Alford	Elrod	Lawson
Altman	Fuller	Lee (Etowah)
Arnold	Garner	Lindsey
Baltzell	Glover	Lyons
Barton	Gunter	Malone
Benners	Haley	Mayfield
Benson	Henley	Middleton
Bloch	Hoffman	Mitchell
Brown	Jenkins	Moore
Bulger	John	McCrary
Burney	Johnson	Norville
Cannon	Jones	Oliver
Coleman	Killen	Pearson
Cooper	King	Pitts (Perry)
Crum	Kirby	Pratt

Price	Sample	Tarrant
Pugh	Sanders	Tunstall
Rainer	Sanford	Turner
Rattray	Seale	Urquhart
Rice	Sherrod	Vann
Rowe	Smith (Lee)	Wittmeler
Rushton	Stollenwerck	Woolf

—69

H. 185. To authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of the county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the legislature from said county. And this act is to apply to and include all local bills for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill and no other.

Was read a third time, at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Garner	Middleton
Alford	Glover	Mitchell
Altman	Gunter	Moore
Arnold	Haley	McCrary
Ballard (Autauga)	Hoffman	Oliver
Baltzell	Hughes	Pearson
Barton	Jenkins	Pitts (Perry)
Benness	John	Pratt
Benson	Johnson	Price
Bloch	Jones	Pugh
Brown	Killen	Rainer
Bulger	King	Rattray
Burney	Kirby	Rice
Cannon	Lancaster	Rowe
Coleman	Lawson	Rushton
Cooper	Lee (Houston)	Sample
Crum	Lindsey	Sanders
Dudley	Lyons	Sanford
Edwards	Malone	Seale
Elrod	Mayfield	Sherrod

Smith (Elmore)	Tunstall	Vann
Tarrant	Turner	Wittmeier
Thompson	Urquhart	Woolf

—69

H. 180. To exempt the district trustees of the public school districts of this State from poll tax and road duty.

Was read a third time, at length and passed.

Yeas, 57; nays, 11.

Yeas:

Messrs. Speaker	Gunter	Pitts (Dallas)
Alford	Haley	Powell (Covington)
Arnold	Henley	Pratt
Ballard (Pike)	Hughes	Price
Bartzell	Johnson	Rainer
Barton	Jones	Rattray
Benners	Killen	Rushton
Benson	Lawson	Sanders
Brown	Lee (Barbour)	Sanford
Bulger	Lee (Etowah)	Sherrod
Carmichael	Lee (Houston)	Smith (Elmore)
Cooper	Lindsey	Smith (Lee)
Crum	Lyons	Tarrant
Cunningham	Malone	Thompson
Doyle (Marengo)	Middleton	Urquhart
Elrod	Mitchell	Vann
Fuller	Moore	White (Perry)
Garner	Oliver	Williams (Lee)
Glover	Pearson	Woolf

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Nays:

Ballard (Autauga)	McCurdy	Stollenwerck
Cannon	Peete	Wittmeier
Hoffman	Pugh	Williams (Barbour)
Mayfield	Sample	

—11

On motion of Mr. Arnold the bill, H. 180, was ordered sent to the Senate without engrossment.

H. 167. To repeal an act entitled "An act to establish the county court of Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8th, 1901, and to repeal "An act to amend an act entitled an

act to establish the county court for Coffee county with criminal jurisdiction in misdemeanor cases, approved February 8, 1901. Said act as amended to make said court an inferior court of record with civil jurisdiction as well as criminal, as follows:

Said court to have jurisdiction in all civil matter concurrently with justice of peace, and also with the circuit court of said county wherein the subject matter does not exceed \$500.00 except in civil actions of libel, slander, assault and battery, or ejectment or statutory actions in the nature of ejectment; also providing for the trials by said court of all appeals from the justices' courts of said county in civil actions; regulating the powers and authority of the judge of said court and making the same commensurate with the judge of the circuit court with respect to remedial writs, and vesting jurisdiction in the judge of said court with respect to trial of habeas corpus cases in said county commensurate with judge of probate; regulating the practice and procedure of said court and prescribing the qualifications of the judge and solicitor and providing their salaries, mode and means of payment; providing for jury terms and regulating the juries thereof and selection; restoring to justice of peace original jurisdiction of the misdemeanor cases provided for trial by them under the Code, and providing for appeals in such cases to the said county court of Coffee: and further regulating said court and trials therein." Approved September 29, 1903; and to provide for the transfer of criminal proceedings on indictments and criminal and civil proceedings on appeal pending in said county court to the circuit court of Coffee county.

Was read a third time, at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Benners	Carmichael
Alford	Benson	Cooper
Altman	Bloch	Crum
Arnold	Brown	Dudley
Ballard (Pike)	Bulger	Edwards
Baltzell	Burney	Elrod
Barton	Cannon	Garner

Glover	Malone	Rowe
Gunter	Mayfield	Rushton
Haley	Middleton	Sample
Henley	Mitchell	Sanders
Hoffman	Moore	Sanford
Jenkins	McCurdy	Seale
John	Norville	Sherrod
Johnson	Oliver	Smith (Elmore)
Jones	Pearson	Smith (Lee)
Killen	Pitts (Dallas)	Tarrant
King	Pratt	Tunstall
Kirby	Price	Turner
Lacy (Walker)	Pugh	Urquhart
Lancaster	Rainer	Vann
Lindsey	Rattray	Wittmeier
Lyons	Rice	Woolf

—69

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14, 1907.

Was taken up. Mr. Gunter offered the following amendment to the bill, H. 102:

Amend the title and the bill by adding to the title "and to validate and confirm issues of bonds made under said act" and adding to the bill.

Section 4. That where an election has been held under a valid ordinance at which a majority of the votes cast were for the bond issue, said issue is hereby validated in all respects, notwithstanding the failure of any person to perform any duty required by law.

And the amendment was adopted.

Yeas, 67; nays, 1.

Yeas:

Messrs. Speaker	Barton	Cañon
Alford	Benners	Carmichael
Altman	Benson	Coleman
Arnold	Bloch	Cooper
Avery	Brown	Crum
Ballard (Autauga)	Bulger	Cunningham
Ballard (Pike)	Burney	Doyle (Marengo)

Edwards	Lyons	Rowe
Elrod	Malone	Rushton
Fuller	Mayfield	Sample
Garner	Mitchell	Sanders
Gunter	Moore	Sherrod
Haley	McCrary	Stollenwerck
John	McCurdy	Tarrant
Johnson	McDuffie	Turner
Jones	Oliver	Urquhart
Killen	Pearson	Vann
King	Pitts (Dallas)	Wittmeier
Kirby	Powell (Covington)	White (Lamar)
Lawson	Pugh	Williams (Barbour)
Lee (Barbour)	Rainer	Williams (Lee)
Lee (Etowah)	Rattray	Woelf
Lindsey		

—67

Nay:
Mr. Hoffman.

—1

And the bill,

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14th, 1907.

As amended, was read a third time, at length and passed.

Yeas, 72; nays, 0.

Yeas:

Messrs. Speaker	Coleman	Hoffman
Arnold	Cooper	Hughes
Ballard (Autauga)	Crum	Jenkins
Ballard (Pike)	Cunningham	John
Barton	Doyle (Marengo)	Johnson
Benners	Elrod	Jones
Benson	Fuller	King
Bloch	Garner	Kirby
Brown	Glover	Lacy (Walker)
Burney	Gunter	Lawson
Cannon	Haley	Lee (Barbour)
Carmichael	Henley	Lee (Etowah)

Lee (Houston)	Pitts (Dallas)	Sanford
Lindsey	Pitts (Perry)	Sherrod
Long (Morgan)	Powell (Covington)	Smith (Lee)
Lyons	Price	Stollenwerck
Malone	Pugh	Tarrant
Mayfield	Rainer	Turner
Mitchell	Rattray	Urquhart
Moore	Rice	Vann
McCrory	Rowe	Wittmeier
McCurdy	Rushton	White (Lamar)
McMillan	Sample	Williams (Barbour)
Oliver	Sanders	Woolf
Pearson		

—72

H. 145, (With amendment.) To amend sections 546 and 547 of the Code of 1907.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

Amend section 1 of the bill by adding to the end thereof the following:

"The compensation and expenses to which any examiner or assistant examiner shall be entitled for examining the accounts and books of county officials shall be paid by the board of revenue or court of county commissioners of the county, and said boards of revenue and courts of county commissioners are hereby authorized and required to draw their warrant upon the county treasurer covering the compensation and expenses to which such examiner or assistant examiner shall be entitled, as herein provided."

Amend section 2 of the bill by adding after the words "the books and accounts of any and all county officials" the words "and registers in chancery."

And the amendment was adopted.

Yeas, 59; nays, 9.

Yeas:

Messrs. Speaker	Ballard (Autauga)	Brown
Alford	Ballard (Pike)	Burney
Altman	Barton	Carmichael
Arnold	Benson	Coleman

Cooper	King	Pitts (Dallas)
Crum	Kirby	Pitts (Perry)
Cunningham	Lacy (Walker)	Powell (Covington)
Doyle (Marengo)	Lawson	Pugh
Edwards	Lee (Barbour)	Rainer
Elrod	Lee (Etowah)	Rattray
Fuller	Lindsey	Rowe
Garner	Lyons	Rushton
Glover	Malone	Sanford
Gunter	Mitchell	Stollenwerck
Haley	McCrory	Tarrant
Hughes	McCurdy	Tunstall
Jenkins	McDuffie	Turner
John	Norville	Vann
Johnson	Oliver	Woolf
Jones	Pearson	

—59

Nays:

Benners	Mayfield	Smith (Lee)
Cannon	Sample	Wittmeier
Hoffman	Sherrod	White (Lamar)

—9

Mr. Pitts, of Dallas, offered the following amendment to the bill:

Amend section one by striking out of line 24, the word "three" and insert in lieu thereof the word "four."

Also amend section one by adding after the words "employed for the State," the words "his actual railroad expenses paid while traveling to and from the capitol and home to the place and places ordered."

And the amendment was adopted.

Yeas, 55; nays, 12.

Yeas:

Messrs. Speaker	Bulger	Doyle (Marengo)
Arnold	Burney	Elrod
Ballard (Autauga)	Cannon	Garner
Ballard (Pike)	Carmichael	Glover
Benners	Coleman	Gunter
Benson	Cooper	Henley
Bloch	Crum	Hughes
Brown	Cunningham	John

Johnson	Mitchell	Pugh
Jones	McCrory	Rowe
King	McCurdy	Sanders
Kirby	McDuffie	Sanford
Lacy (Walker)	Norville	Smith (Lee)
Lawson	Oliver	Urquhart
Lee (Barbour)	Pearson	Vann
Lee (Etowah)	Pitts (Dallas)	Williams (Barbour)
Lindsey	Pitts (Perry)	Williams (Lee)
Lyons	Price	Woolf
Malone		

—55

Nays:

Fuller	Powell (Covington)	Sherrod
Haley	Rainer	Stollenwerck
Killen	Ratray	Wittmeler
Mayfield	Sample	White (Lamar)

—12

And the bill,

H. 145. To amend sections 546 and 547 of the Code of 1907.

As amended, was read a third time, at length and passed.

Yeas, 63; nays, 9.

Yeas:

Messrs. Speaker	Crum	Lee (Etowah)
Altman	Cunningham	Lee (Houston)
Arnold	Doyle (Marengo)	Lindsey
Ballard (Autauga)	Elrod	Malone
Baltzell	Garner	Mayfield
Baltzell	Glover	Mitchell
Barton	Gunter	Moore
Benson	Henley	McCrory
Bloch	Hughes	McCurdy
Brown	Jenkins	McDuffie
Bulger	John	Norville
Burney	Jones	Oliver
Carmichael	Kirby	Pearson
Coleman	Lacy (Walker)	Pitts (Dallas)
Cooper	Lawson	Pitts (Perry)
Cranford	Lee (Barbour)	Powell (Covington)

Pugh	Seale	Wittmeier
Rattray	Smith (Lee)	Williams (Barbour)
Rowe	Stollenwerck	Williams (Lee)
Rushton	Thompson	Woolf
Sanders	Urquhart	
Sanford	Vann	

—63

Nays:

Alford	Haley	Sample
Cannon	Lyons	Sherrod
Fuller	Rainer	White (Lamar)

—9

H. 182. To encourage a better system of agriculture in this State.

Was read a third time, at length and passed.

Yeas, 48; nays, 15.

Yeas:

Messrs. Speaker	Haley	Pearson
Ballard (Autauga)	Hughes	Pitts (Dallas)
Benners	John	Pitts (Perry)
Benson	Johnson	Rattray
Bloch	Jones	Rowe
Brown	Killen	Rushton
Bulger	King	Sample
Burney	Lawson	Sanford
Cannon	Lee (Etowah)	Seale
Carmichael	Lee (Houston)	Sherrod
Cooper	Lindsey	Tarrant
Crum	Malone	Turner
Cunningham	Mayfield	Urquhart
Elrod	Mitchell	Vann
Fuller	Moore	Wittmeier
Garner	McCrory	Williams (Lee)

—48

Nays:

Alford	McCurdy	Smith (Lee)
Baltzell	Oliver	Stollenwerck
Glover	Powell (Covington)	White (Lamar)
Jenkins	Pugh	Williams (Barbour)
Lyons	Rainer	Woolf

—15

Mr. Sherrod moved to reconsider the vote by which the bill, H. 182, was passed, and the motion to reconsider the vote was lost.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 7. To authorize and empower the commissioners' court, board of revenue, or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the support of those State schools known as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes, and to repeal all laws and parts of laws in conflict therewith.

S. 49. To provide that all confederate soldiers, sailors, and their widows, who are entitled to draw a pension under the laws of Alabama, shall be entitled to and receive a pension of the first class when they are or shall become eighty years of age.

S. 66. To authorize cities and towns of this State to convey real or personal property and to make appropriations of money from city funds to aid in the location and in the construction of high schools and high school buildings and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were severally read one time and referred to appropriate standing committees as follows:

Education, S. 7.

Appropriations, S. 49.

Municipal Organization, S. 66.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 141. To require the board of revenue and road commissioners of Mobile county annually to levy a special tax of one-fifth of one per centum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county.

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 22. To authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies.

H. 33. To make an appropriation for the payment of expenses incurred in publication of proclamations of Governor on the three constitutional amendments voted on at the election held in this State on Nov. 3, 1908.

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

The Senate has originated and passed the following bills and ordered the same sent forthwith to the House without engrossment:

S. 89. To provide for the holding of two terms each year of the circuit court of Marshall county at Albertville, to provide for the jurisdiction thereof, and to regulate proceedings therein.

And sends the same to the House with notice and proof attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially conforming to the provisions hereinafter set forth will be introduced for passage at the special session of the Legislature of Alabama to be convened on the 27th day of July, 1909, or such other date as may be determined upon by the Governor, to wit:

A bill to be entitled an act to provide for the holding of two terms each year of the circuit court of Marshall county, at Albertville, to provide for the jurisdiction thereof and to regulate the proceedings therein.

Sec. 1. Be it enacted by the Legislature of Alabama, That there shall be held in Albertville, Marshall county, Alabama, two terms each year of the circuit court of Marshall county, which said terms shall commence on the second Monday in January and the second Monday in July in each year and each term may continue two weeks.

Sec. 2. Said court shall have jurisdiction to try and determine all civil and criminal causes in which the defendant, or one of the defendants, at the time of the commencement of the suit, is a resident of or the cause of action arose within the territory embraced in precincts four (4), five (5), thirteen (13), sixteen (16), eighteen (18), twenty (20), twenty-two (22), and that portion of twenty-four (24) lying on Sand Mountain in said Marshall county.

Sec. 3. Said court shall be presided over by the judge of the Ninth judicial circuit of Alabama, and all criminal causes pending therein shall be prosecuted by the solicitor of said circuit.

Section 4. All appeals or certiorari proceedings from the justice courts, the mayors' courts and the county court of Marshall county, when the defendant or one of the defendants, at the time of the commencement of the suit, is a resident of said territory or the cause of action arose therein; shall be taken, heard and disposed of in said circuit court at Albertville.

Sec. 5. The clerk of the circuit court of Marshall county shall be ex-officio the clerk of said court and shall be required to procure and keep all necessary dock-

ets, records and books for the use of said court and the dockets, records, books and papers pertaining to said court, shall be kept by him in his office in the court house hereinafter provided for at Albertville. He shall also keep in the said office at Albertville a deputy to transact the business of the clerk, and the said deputy in the name of the clerk, may issue all process in the manner and form now required by law, and the clerk himself when so required shall likewise issue all papers and process for said court at Albertville, but all such process, papers and documents so issued shall be returnable to the circuit court at Albertville.

Sec. 6. The sheriff of Marshall county shall keep a deputy for said court, whose office shall be in the said court house at Albertville, and the sheriff shall also keep all needful records for said court as are now required by law to be kept for the circuit court of Marshall county. He shall also execute and serve all process, writs and papers that may be returnable to said circuit court at Albertville and make return thereof to said court at Albertville and shall attend each and every term of said court. All legal sales by the sheriff arising in the jurisdiction of said court shall be made by him in front of the court house door at Albertville.

Sec. 8. Twenty-four jurors shall be drawn and summoned for each week of each term of said court in the way and manner now prescribed by law for drawing and summoning jurors in Marshall county for the circuit court, which said jurors shall be drawn from the qualified jurors residing in Marshall county and when so drawn and summoned they shall attend upon said court at Albertville and serve as jurors in said court under the pains and penalties now prescribed by law for the service of jurors upon the circuit court of Marshall county, and they shall receive the same compensation both as to per diem and mileage as the regular jurors serving in the circuit court of said county.

Sec. 8. No grand juries shall be drawn to serve in said circuit court at Albertville but the regular grand juries of said county shall retain all the powers, exercise all the jurisdiction and be charged with all the duties as heretofore, and the clerk of the circuit court or his dep-

uty at Albertville shall set down for trial in the circuit court at Albertville all criminal causes arising by indictment in the circuit court of said county or by appeal from the justice courts, the mayor's courts or the county court where the defendant or one of the defendants is a resident of the territory embraced within the jurisdiction of said circuit court at Albertville or where the crime was committed within the jurisdiction of said court as herein provided; and said causes shall be tried under the rules and regulations for the trial of criminal causes in the circuit court of Marshall county.

Sec. 9. All causes now pending in the circuit court of Marshall county in which the defendant or one of the defendants reside in the jurisdiction of said circuit court at Albertville as herein provided, or where the cause of action arose in the jurisdiction of said court shall be set down for trial at the first term of circuit court at Albertville.

Sec. 10. The first term of the circuit court at Albertville shall be held on the first Monday in January, 1910, if the town of Albertville shall provide a court house in which to hold said court and tender the use of its municipal prison or jail for the incarceration of prisoners during the terms of court or at such other times as said may be found convenient or necessary, without any expense to Marshall county. As soon as the mayor of Albertville shall file with the probate judge of Marshall county his certificate certifying that said court house has been provided and that the municipal authorities of Albertville have provided a suitable prison or jail then juries shall be drawn, the records be purchased at the expense of the county and causes set down for trial as herein provided; but if said court house and prison or jail are not provided in time for the holding of said court on the second Monday in January, 1910, then the first term shall be held on the first date thereafter.

Sec. 11. The said circuit court at Albertville shall be governed by the rules of pleading and practice provided by law for the circuit court of Marshall county and shall be in all respects a branch of said regular circuit court

The State of Alabama, }
 Marshall County, }

Before me, A. B. Hooper, notary public in and for said State and county, personally appeared A. R. Kearney who, being by me duly sworn, saith upon oath that he is the publisher and proprietor of the Marshall Banner, a weekly newspaper published at Albertville, in said county, and that the above and foregoing notice and bill was published in the said Marshall Banner for four consecutive weeks, the last insertion of the same being in the issue of Thursday, July 29th, 1909.

A. R. KEARNEY.

Subscribed and sworn to before me this the 2d day of August, 1909.

A. B. HOOPER,
 Notary Public.

And

S. 91. To amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor. Approved February 6, 1895.

And sends the same herewith to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at its next special session, when called by the Governor, for the passage of an act in substance as follows:

An act to amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor. Approved February 6th, 1895.

Section 1. Be it enacted by the Legislature of Alabama, That section one of an act entitled "An act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor, approved February 6th, 1895. be amended so as to read as follows:

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the board of revenue of Barbour county, immediately after the passage and approval of this act, to give notice by advertisement in some newspaper published in the county and also by posting a notice at the court house notifying all persons holding claims registered and unregistered and entitled to registration as now provided by law, against the fine and forfeiture fund of said county, to register the same with the county treasurer within ninety days after the first insertion of said advertisement, and if not so registered or re-registered, said claims shall be forever barred, and all claims hereafter accruing against said fund must be registered or re-registered within sixty days, or be forever barred. Provided, the said court of county commissioners may at their discretion order payment of witness fees (mileage and per diem) hereafter accruing (registered or entitled to registration) against said fund at such reduced rates as may hereafter be provided by law for witness fees and claims in preference to accepting bids which may be made for claims against the fine and forfeiture fund as provided in section 9 of said act.

Section 2. Be it further enacted, That section 2 of said act be amended so as to read as follows:

Section 2. Be it further enacted, That all such claims as have been heretofore registered shall be re-registered preserving the order of previous registration as provided by section one of said act, and if not so re-registered said claims shall be forever barred.

Section 3. Be it further enacted, That all laws and parts of laws, general or special, in conflict with this act be and the same are hereby repealed.

The State of Alabama, }
Barbour County. }

Before me, A. K. Merrill, notary public in and for said county, this day personally came W. H. Berry, known to me to be the associate editor and manager of The Eufaula Daily Times, a newspaper published in Eufaula, in said county, who being by me duly sworn, deposes and says that the attached notice to amend an

act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor, approved February 6th, 1895, was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

(Signed) W. H. BERRY.
J. A. KYLE, Secretary.

Sworn to and subscribed before me this 3rd day of August, 1909. A. K. MERRILL, Notary Public.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, S. 89.

Revision of Laws, S. 91.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 141. An act to require the board of revenue and road commissioners of Mobile county annually to levy a special tax of one fifth of one percentum upon each one hundred dollars of all property assessed for taxation in said county, in addition to the special taxes now levied therein, for the support of the public schools of said county.

H. 33. An act to make an appropriation for the payment of expenses incurred in publication of proclamations of Governor on the three constitutional amendments voted on at the election held in this State on Nov. 3rd, 1908.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bill and House joint resolution:

H. 80. An act to repeal an act entitled "An act to provide for the working of the public roads of Hale county, Alabama, for levying a tax for the same and how same shall be expended, approved Aug. 7th, 1907."

H. J. R. 36. Relative to petitioning congress to submit to the several States, an amendment to the constitution of the United States, providing for the election of United States Senators by a direct vote of the people.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and House joint resolution, the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

BILLS ON THIRD READING.

H. 88. To provide for the consolidation of the various funds in the treasury of the State, and regulating the manner in which appropriations shall be paid out of the consolidated fund.

Was taken up. Mr. Bulger offered the following amendment to the bill, H. 88.

"Provided, this act shall not apply to the taxes levied for the benefit of the confederate soldier."

On motion of Mr. Pitts, of Dallas, the amendment offered by Mr. Bulger was laid upon the table.

And the bill,

H. 88. To provide for the consolidation of the various funds in the treasury of the State, and regulating the manner in which appropriations shall be paid out of the consolidated fund.

Was read a third time, at length and passed.

Yeas, 50; nays, 29.

Yeas:

Messrs. Speaker	Henley	Powell (Covington)
Ballard (Autauga)	Hughes	Price
Ballard (Pike)	John	Pugh
Benners	Jones	Rice
Benson	Killen	Rowe
Bloch	Kirby	Rushton
Brown	Lindsey	Sanford
Burney	Long (Butler)	Seale
Cannon	Malone	Smith (Lee)
Carmichael	Mayfield	Tarrant
Ccleman	Mitchell	Thompson
Cunningham	Moore	Urquhart
Doyle (Clarke)	McCurdy	Vann
Fuller	McDuffie	Wittmeier
Garher	Pearson	Williams (Lee)
Glover	Pitts (Dallas)	Wolf
Hailey	Pitts (Perry)	

—50

Nays:

Messrs.

Alford	King	Ratray
Arnold	Lawson	Sample
Barton	Lee (Barbour)	Sanders
Bulger	Lee (Etowah)	Sherrod
Doyle (Marengo)	Lee (Houston)	Smith (Elmore)
Edwards	Long (Morgan)	Stollenwerck
Gunter	Lyons	Tunstall
Hoffman	Middleton	White (Lamar)
Jenkins	Pratt	Williams (Barbour)
Johnson	Rainer	

—29

H. 138. To amend section 1996 of the Code of 1907.

Was read a third time, at length and passed.

Yeas, 54; nays, 3.

Yeas:

Messrs. Speaker	Jenkins	Pratt
Alford	John	Price
Ballard (Autauga)	Johnson	Pugh
Barton	Jones	Rainer
Benners	King	Ratray
Bloch	Kirby	Rice
Burney	Lawson	Rowe
Cannon	Lindsey	Sample
Crum	Lyons	Sanders
Dudley	Malone	Sanford
Edwards	Mayfield	Seale
Fuller	Mitchell	Sherrod
Garner	Moore	Smith (Elmore)
Glover	McCurdy	Stollenwerck
Gunter	McDuffie	Urquhart
Haley	Pearson	White (Lamar)
Henley	Pitts (Dallas)	Woolf
Hughes	Pitts (Perry)	

—54

Nays:

Messrs.

Hoffman	Smith (Lee)	Williams (Lee)
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—3

H. 137. (With amendment.) To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintenance of structures for the public convenience on such vacated portions of streets.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Municipal Organization, said amendment being as follows:

Amend H. 137 by adding thereto section 3½.

Section 3½. Provided the party for whom the street may be vacated under this act shall be liable to the owners of property adjacent thereto in any action for any special damages suffered by them.

And the amendment was adopted.

Yeas, 54; nays, 4.

Yeas:

Messrs. Speaker	Gunter	Pearson
Alford	Haley	Peete
Ballard (Autauga)	Hughes	Pratt
Ballard (Pike)	Jenkins	Pugh
Barton	John	Rainer
Benners	Johnson	Rattray
Benson	Jones	Rice
Brown	Kirby	Rowe
Bulger	Lawson	Rushton
Burney	Lindsey	Sanders
Cannon	Long (Butler)	Sanford
Carmichael	Lyons	Sherrod
Coleman	Malone	Stollenwerck
Cunningham	Moore	Tarrant
Doyle (Marengo)	McCrary	Tunstall
Dudley	McCurdy	White (Lamar)
Edwards	McDuffie	Williams (Barbour)
Glover	Norville	Woolf

—54

Nays:

Fuller	Hoffman	Pitts (Perry)
Garner		

—4

And the bill,

H. 137. To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintenance of structures for the public convenience on such vacated portions of streets.

As amended, was read a third time, at length and passed.

Yeas, 52; nays, 6.

Yeas:

Messrs. Speaker	Benson	Cunningham
Alford	Bloch	Doyle (Clark)
Arnold	Brown	Doyle (Marengo)
Ballard (Autauga)	Bulger	Edwards
Ballard (Autauga)	Burney	Glover
Barton	Carmichael	Gunter
Benners	Coleman	Hughes

Jenkins	McCurdy	Rushton
John	McDuffie	Sanders
Johnson	Pearson	Sanford
Jones	Peete	Sherrod
King	Pratt	Stollenwerck
Lawson	Pugh	Tunstall
Lee (Houston)	Rainer	White (Lamar)
Lindsey	Ratray	Williams (Barbour)
Lyons	Rice	Williams (Lee)
Malone	Rowe	Woolf
Moore		

—52

Nays:

Cannon	Haley	Killen
Fuller	Hoffman	Kirby

—6

H. 106. To fix the times of holding, in each year, the circuit courts of Chilton county in the fifteenth judicial circuit of the State of Alabama, and to repeal former laws fixing the times for holding said courts.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Haley	Pearson
Alford	Henley	Pratt
Altman	Hughes	Price
Arnold	Jenkins	Pugh
Baltzell	John	Rainer
Barton	Johnson	Ratray
Benners	Jones	Rice
Benson	Killen	Rowe
Bloch	King	Rushton
Brown	Kirby	Sample
Bulger	Lancaster	Sanders
Burney	Lawson	Sanford
Cannon	Lee (Etowah)	Seale
Coleman	Lindsey	Sherrod
Cooper	Lyons	Tarrant
Crum	Malone	Thompson
Dudley	Mayfield	Tunstall
Elrod	Middleton	Turner
Fuller	Moore	Urquhart
Garner	Norville	Vann
Glover	Oliver	Woolf
Gunter		

—64

H. 89. To vacate and annul the dedication of the following described highway or part of highway in the city of Bessemer, Jefferson county, Alabama, and described according to the map and plat of the Bessemer Land and Improvement Company; that part of the alley between 7th and 8th avenues and extending from 21st to 22nd street, entirely through the block three hundred and eighty-five (385) and to close such portion of said alley as a public highway.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Haley	Pearson
Alford	Henley	Pratt
Altman	Hughes	Price
Arnold	Jenkins	Pugh
Baltzell	John	Rainer
Barton	Johnson	Rattray
Benness	Jones	Rice
Benson	Killen	Rowe
Bloch	King	Rushton
Brown	Kirby	Sample
Bulger	Lancaster	Sanders
Burney	Lawson	Sanford
Cannon	Lee (Etowah)	Seale
Coleman	Lindsey	Sherrod
Cooper	Lyons	Tarrant
Crum	Malone	Thompson
Dudley	Mayfield	Tunstall
Elrod	Middleton	Turner
Fuller	Moore	Urquhart
Garner	Norville	Vann
Glover	Oliver	Woolf
Gunter		

—64

H. 146. To better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor and to fix the amount of such fees.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pearson
Alford	Hoffman	Pratt
Altman	Hughes	Price
Arnold	Jenkins	Pugh
Baltzell	John	Rainer
Barton	Johnson	Rattray
Benners	Jones	Rice
Benson	Killen	Rowe
Bloch	King	Rushton
Brown	Kirby	Sample
Bulger	Lancaster	Sanders
Burney	Lawson	Sanford
Cannon	Lee (Etowah)	Seale
Coleman	Lindsey	Sherrod
Cooper	Lyons	Tarrant
Crum	Malone	Thompson
Dudley	Mayfield	Tunstall
Elrod	Middleton	Turner
Fuller	Moore	Urquhart
Garner	Norville	Vann
Glover	Oliver	Wolf
Gunter		

—64

H. 120. To vacate and annul the charter and dissolve the corporation of the city of Avondale.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Burney	Haley
Alford	Cannon	Henley
Altman	Coleman	Hoffman
Arnold	Cooper	Jenkins
Baltzell	Crum	John
Barton	Dudley	Johnson
Benners	Elrod	Jones
Benson	Fuller	Killen
Bloch	Garner	King
Brown	Glover	Kirby
Bulger	Gunter	Lancaster

Lawson	Pratt	Sanford
Lee (Etowah)	Price	Seale
Lindsey	Pugh	Sherrod
Lyons	Rainer	Tarrant
Malone	Rattray	Thompson
Mayfield	Rice	Tunstall
Middleton	Rowe	Turner
Moore	Rushton	Urquhart
Norville	Sample	Vann
Oliver	Sanders	Woolf
Pearson		

—64

H. 154. To amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31, 1907.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Haley	Pearson
Alford	Henley	Pratt
Altman	Hoffman	Price
Arnold	Hughes	Pugh
Baltzell	John	Rainer
Barton	Johnson	Rattray
Benners	Jones	Rice
Benson	Killen	Rowe
Bloch	King	Rushton
Brown	Kirby	Sample
Bulger	Lancaster	Sanders
Burney	Lawson	Sanford
Cannon	Lee (Etowah)	Seale
Coleman	Lindsey	Sherrod
Cooper	Lyons	Tarrant
Crum	Malone	Thompson
Dudley	Mayfield	Tunstall
Elrod	Middleton	Turner
Fuller	Moore	Urquhart
Garner	Norville	Vann
Glover	Oliver	Woolf
Gunter		

—64

H. 196. To repeal "An act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved December 5, 1900.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker		
Alford	Haley	Pearson
Altman	Henley	Pratt
Arnold	Hughes	Price
Baltzell	Jenkins	Pugh
Barton	John	Rainer
Benness	Johnson	Rattray
Benson	Jones	Rice
Bloch	Killen	Rowe
Brown	King	Rushton
Bulger	Kirby	Sample
Burney	Lancaster	Sanders
Cannon	Lawson	Sanford
Coleman	Lee (Etowah)	Seale
Cooper	Lindsey	Sherrod
Crum	Lyons	Tarrant
Dudley	Malone	Thompson
Elrod	Mayfield	Tunstall
Fuller	Middleton	Turner
Garner	Mitchell	Urquhart
Glover	Norville	Vann
Gunter	Oliver	Woolf

—64

H. 222. To fix the salaries of the judge and associate judge of the city court of Montgomery.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker		
Alford	Benson	Cooper
Altman	Bloch	Crum
Arnold	Brown	Dudley
Baltzell	Bulger	Elrod
Barton	Burney	Fuller
Benness	Cannon	Garner
	Coleman	Glover

Gunter	Lyons	Rowe
Haley	Malone	Rushton
Henley	Mayfield	Sample
Hughes	Middleton	Sanders
Jenkins	Mitchell	Sanford
John	Moore	Seale
Johnson	Oliver	Sherrod
Jones	Pearson	Stollenwerck
Killen	Pratt	Thompson
King	Price	Tunstall
Kirby	Pugh	Turner
Lancaster	Rainer	Vann
Lawson	Rattray	Williams (Lee)
Lee (Houston)	Rice	Wolf
Lindsey		

—64

H. 69. To fix the time of holding the circuit court of Coffee county at Enterprise, Alabama.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pratt
Alford	Hughes	Price
Altman	Jenkins	Pugh
Arnold	John	Rainer
Baltzell	Johnson	Rattray
Barton	Jones	Rice
Benness	Killen	Rowe
Benson	King	Rushton
Bloch	Kirby	Sample
Brown	Lancaster	Sanders
Bulger	Lawson	Sanford
Cannon	Lee (Etowah)	Seale
Coleman	Lindsey	Sherrod
Cooper	Lyons	Tarrant
Crum	Malone	Thompson
Dudley	Mayfield	Tunstall
Elrod	Middleton	Turner
Fuller	Mitchell	Urquhart
Garner	Moore	Vann
Glover	Norville	Wolf
Gunter	Oliver	
Haley	Pearson	

—64

H. 169. To amend section 3484 of the Code of Alabama.

Was read a third time at length, and passed.

Yeas, 51; nays, 6.

Yeas:

Messrs. Speaker	Henley	Pitts (Perry)
Ballard (Autauga)	Hoffman	Price
Baltzell	Jenkins	Rice
Benners	Jones	Rowe
Bloch	King	Rushton
Bulger	Lindsey	Sampe
Burney	Long (Morgan)	Seale
Carmichael	Lyons	Smith (Elmore)
Coleman	Mayfield	Stollenwerck
Cunningham	Middleton	Tarrant
Doyle (Clarke)	Mitchell	Thompson
Dudley	McCrory	Tunstall
Edwards	McCurdy	Urquhart
Fuller	McDuffie	Vann
Garner	Pearson	White (Lamar)
Glover	Peete	Williams (Barbour)
Gunter	Pitts (Dallas)	Woolf
Haley		

—51.

Nays:

Messrs.

Cannon	John	Sherrod
Cooper	Killen	Smith (Lee)

—6

On motion of Mr. Sherrod H. 36 was made a special, paramount continuing order for Monday, August 9th, immediately after the special orders already fixed for that day.

ADJOURNMENT.

Under a resolution heretofore adopted the House adjourned until Monday, August 9th, 1909, at 12 o'clock noon.

TENTH DAY.

House of Representatives,
MONTGOMERY, Ala., Monday, August 9th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Avery of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Fuller	Mayfield
Alford	Garner	Mitchell
Altman	Glover	Moore
Arnold	Gunter	McCrory
Arrington	Haley	McCurdy
Avery	Henley	McDuffie
Ballard (Autauga)	Hoffman	Parker
Ballard (Pike)	Hughes	Pearson
Barton	Jenkins	Peete
Benners	John	Pitts (Dallas)
Benson	Johnson	Pitts (Perry)
Brown	Killen	Powell (Bullock)
Buiger	King	Powell (Covington)
Burney	Kirby	Pratt
Cannon	Lacy (Walker)	Price
Carmichael	Lancaster	Pugh
Coleman	Lawson	Rainer
Cooper	Lee (Barbour)	Rattray
Cranford	Lee (Etowah)	Rice
Crum	Lindsey	Rowe
Cunningham	Long (Butler)	Rushton
Doyle (Clarke)	Long (Morgan)	Sample
Doyle (Marengo)	Lyons	Sanders
Dudley	Malone	Sanford
Edwards	Maner	Seale
Elrod	Mastin	Sherrod

Smith (Elmore)	Tunstall	White (Lamar)
Smith (Lee)	Turner	Williams (Barbour)
Stollenwerck	Urquhart	Williams (Lee)
Tarrant	Vann	Woolf
Thompson	Wittmeier	

—93

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on Revision of the Journal beg leave to report as follows:

We have examined the Journal for the ninth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the ninth day was approved.

LEAVE OF ABSENCE.

Was granted to Messers Bloch, Jones, Lee of Houston, for today and to Mr. White of Perry indefinitely.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. W. T. Murphy and J. C. Allen of Gadsden; Hon. J. C. Kemp, of Lawrence; Hon. D. C. Almon, of Morgan; Hon. Jno. B. Ward, of Henry; Hon. G. G. Miles, of Montgomery; Hon. W. S. Farman, of St. Clair; Hon. W. V. M. Robinson, of Birmingham; and Judge D. R. McMillan, of Shelby, for today.

RESOLUTIONS.

The following resolutions were introduced and referred to the committee on Rules:

By Mr. Kirby.

H. R. 44. Resolved that House bill 279 to amend section 1867 of the Code of Alabama, 1907, be made a special order to be fixed by the committee on Rules.

By Mr. Mitchell.

H. R. 45. Resolved by the House of Representatives, that H. 195, "A bill to be entitled an act to submit to the qualified electors a proposed amendment to the Constitution providing for the collection of delinquent poll taxes by legal process, to be designated as section 194, a, be made a special order for Tuesday, Aug. 10th, 1909, after the call of counties, etc.

By Mr. Hoffman.

H. R. 46. Resolved, That H. 197 and H. 198 be made a special order to be considered immediately after S. 23.

BILLS ON SECOND READING.

Mr Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 91. To amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and disposal of moneys arising from fines, forfeitures and convict labor. Approved February 6, 1895.

H. 278. To amend an act entitled "an act for the improvement of the public roads of Lowndes county, approved August 2nd, 1907, by repealing sections one, two, three, four, five, six, and seven of said act.

Mr Arnold, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 195. To submit to the qualified electors a proposed amendment to the constitution providing for the collection of delinquent poll taxes by legal process, to be designated as Sec. 194-A.

Mr. Haley, chairman of the standing committee, on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with favorable report:

H. 276. To vacate and annul certain streets and alleys in, through and between blocks 94, 95, and 96 of East Lake Land Company's survey of East Lake, Alabama.

H. 280. To abolish the county court of Shelby county of which the judge of probate is ex-officio the judge, and to provide for the transfer of all cases pending in said abolished court to the county court of Shelby county, established by this special session of the Legislature.

H. 281. To establish a county court for the county of Shelby.

S. 69. To amend sections 9, 14, 15 and 18 of an act entitled an act, to regulate the trial of misdemeanors in the county of Macon.

S. 89. To provide for the holding of two terms each year of the circuit court of Marshall county at Albertville, to provide for the jurisdiction thereof and to regulate proceedings therein.

Mr. Lindsey, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 285. For the preservation and protection of the public oyster reefs and beds in the waters of Alabama; to provide for the establishment of a board of oyster commissioners, to prescribe their duties and provide for their compensation; to regulate the manner of taking and catching oysters on such public reefs and private bedding grounds, and to prescribe the measure of oysters in the shell; to prescribe license fees for boats engaged in taking and catching oysters; to fix and prescribe a tax upon oysters canned and packed in this State; to provide for the protection and patrol of oyster grounds and to provide for the leasing of water bottoms owned by the State; to fix penalties for the viola-

tion of any of the provisions of this act; and to create the oyster protection fund from monies arising under the provisions of this act, for the purpose of defraying the expenses of the oyster commission, and generally to regulate and control the oyster industry and matters connected therewith.

Mr. Lee, of Etowah, chairman of the standing committee on Education, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 161. To amend section 1989 of the Code of Alabama.

H. 269. To create and provide for advisory committees of women to sit with the board of trustees of all the schools, colleges and other institutions of learning maintained by the State, and under the control and management of appointive boards of trustees; to define the duties of such advisory committees, and to provide for the method of their appointment.

H 279. To amend section 1867 of the Code of Alabama of 1907.

H. 284. To authorize and require the faculty of the State High School of Winston county, Alabama, to include the regular seventh grade of the public schools in its curriculum for the next five years.

S. 7. To authorize and empower the commissioners' court, board of revenue, or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the support of those State schools known as county high schools established under the act of the Legislature approved Aug. 7, 1907, and to repeal all laws and parts of laws in conflict therewith.

S. 37. To amend section two of an act "supplementary to an act entitled 'an act to regulate the system of public schools in the county of Mobile, approved January 16, 1854'" approved February 15, 1856.

S. 38. To require the general council of the city of Mobile to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county, located within the corporate limits of said city.

S. 39. To require the board of revenue and road commissioners of Mobile county, to make annual appropriations out of its revenue and income in aid of the public schools of Mobile county.

Mr. Lyons, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 94. For the relief of Frank Cazalas, Sr.

H. 179. ~~To alter and amend section two thousand and forty-seven (2047)~~ of the Code of Alabama and to make an additional appropriation for repairs and insurance for the Confederate Soldiers Home at Mountain Creek.

H. 256. To make an additional appropriation of sixty thousand dollars for feeding prisoners in county jails.

S. 49. To provide that all confederate soldiers, sailors, and their widows who are entitled to draw a pension under the laws of Alabama, shall be entitled to and receive a pension of the first class when they are or shall become eighty years of age.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

H. 193. To authorize boards of revenue and courts of county commissioners to make appropriations for the installation and maintenance of exhibits of the agricultural and mineral resources of their counties.

H. 251. To require persons, firms or corporations operating a public cotton gin to post a schedule of charges for ginning, to prevent discrimination and provide a punishment for the same.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Lee, of Etowah, chairman of the standing committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report.

H. 181. To better support and maintain the county high school in this State.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 194. To authorize the commissioner of agriculture to install and maintain exhibits of the agricultural and mineral resources of the State.

BILLS TAKEN FROM ADVERSE CALENDAR.

Mr. Lacy, of Walker, called up his motion to take from the adverse calendar the bill:

H. 200. To provide a game and fish protective fund for each county in the State, and prescribe how the same shall be used.

The motion to take the bill, H. 200, from the adverse calendar prevailed and the bill, H. 200, To provide a game and fish protective fund for each county in the State, and prescribe how the same shall be used, was read a second time and placed on the calendar for a third reading on tomorrow.

Mr. Haley called up his motion to take from the adverse calendar the bill, H. 40; To amend section 6902 of the Code of 1907.

The motion to take the bill, H. 40, from the adverse calendar prevailed and the bill, H. 40. To amend section 6902 of the Code of 1907, was read a second time and placed on the calendar for a third reading on tomorrow.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Benson called up his motion to take from the adverse calendar the bill, H. 186, and the motion to take the bill, H. 186, from the adverse calendar was lost.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Jenkins.

H. 290. To encourage fruit, truck, general farming and dairying in the State of Alabama.

Agriculture.

By Mr. Jenkins .

H. 291. For the incorporation of mutual co-operative societies or associations for farming and trucking purposes, and for the exemption of the same from all corporate taxation and license.

Agriculture.

By Mr. Fuller.

H. 292. To further regulate the fees of constables in the State of Alabama.

Judiciary.

By Mr. Rattray.

H. 293. To regulate the construction and repair of fences where two or more parties own land within a common inclosure.

Revision of Laws.

By Mr. Carmichael, of Colbert.

H. 294. To secure the better enforcement of the prohibitory liquor laws of the State, and to that end to authorize and require the treasurers of the several counties of this State to pay to the circuit or county solicitor or the solicitor of any other court of the county which has jurisdictions of violations of the prohibitory liquor laws of the State, the sums herein named, from the county funds, to aid in the enforcement of the prohibitory liquor laws of the State.

Temperance.

By Mr. Carmichael, of Colbert.

H. 295. To amend section 1339 of the Code of Alabama.

Banking and Insurance.

By Mr. Carmichael, of Colbert.

H. 296. To amend section 572 of the Code of Alabama.

Temperance.

By Mr. McCrory.

H. 297. To amend section 6657 of the Code of Alabama.

Claims and Fees.

By Mr. Henley. (With notice and proof.)

H. 298. To amend an act entitled "an act to alter and re-arrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31, 1907.

Local Legislation.

Notice and proof H. 298:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at its next special session when called by the Governor, for the passage of an act in substance as follows:

An act to amend an act entitled "an act to alter and re-arrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31, 1907.

Be it enacted by the Legislature of Alabama, That an act entitled "an act to alter and re-arrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31, 1907, be, and the same is hereby amended to read as follows:

Section 1. That the boundaries of the town of Pollard, in the county of Escambia and State of Alabama, be, and the same are hereby altered and re-arranged and so as to include within the corporate limits of said town

all of that territory lying within the county of Escambia, and State of Alabama, included within the following boundaries, to-wit: Beginning at the center of the Louisville & Nashville Railroad track at the south end of the railroad trestle spanning Jernigan's Mill Creek, and running due west four hundred yards (400) thence in a southerly direction and parallel with the said Louisville & Nashville railroad track to a point that is one half mile south of the southern bank of Bay Branch and four hundred yards (400) due west of the center of the said Louisville & Nashville Railroad track; thence due east one thousand yards (1,000); thence in a northerly direction and parallel with said Louisville & Nashville Railroad track to a point that is six hundred yards (600) to the point of beginning; thence due east six hundred yards (600) to the point of beginning.

Section 2. That the boundaries set out in section 1 of this act be, and the same are hereby established as the corporate limits of the said town of Pollard."

The State of Alabama, }
Escambia County. }

I, H. C. Rankin, Publisher of the Brewton Standand, a weekly newspaper published every Thursday in the town of Brewton, Alabama, do solemnly swear that the notice that an application will be made to the Legislature of the State of Alabama in special session for the passage of an act to amend an act to alter and re-arrange the boundaries of the town of Pollard, Alabama, a copy of which notice is hereto attached, was published in the newspaper aforesaid for four consecutive weeks commencing on July 15th, 1909, and ending on August 5th, 1909.

Dated at Brewton, Ala., this the 5th day of August, 1909.

H. C. RANKIN,
Pub. of the Brewton Standard.

Sworn to and subscribed before me, this the 5th day of August, 1909.

Jno. M. RABB,
Notary Public.

By Mr. Benson. (With notice and proof.)

H. 299. For the relief of C. M. Todd of Jackson county.

Appropriations.

Notice and proof H. 299:

Notice is hereby given that a bill will be introduced at the coming extra session of the Legislature to place the name of C. M. Todd, of Jackson County on the pension roll of said county and pay for two years due him as a pensioner.

J. S. BENSON.

I, M. L. Tucker, editor and owner of the Progressive Age, a weekly newspaper published at Scottsboro, in the county of Jackson, State of Alabama, do solemnly swear that the attached advertisement, pertaining to application for pension for C. M. Todd, appeared in the said The Progressive Age on the following dates to wit: July 22nd and 29th, August 5, 1909.

M. L. TUCKER.

Sworn and subscribed to before me this 6th day of August, 1909.

(Seal) J. H. GREGORY,
Notary Public.

By Mr. Haley.

H. 300. To amend section 3488 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Tarrant.

H. 301. To suppress gaming and gaming places.

Temperance.

By Mr. Glover.

H. 302. To regulate the operation of automobiles, Locomobiles, Moter Bicycles and other moter vehicle of like kind in the State of Alabama.

Revision of Laws.

By Mr. John.

H. 303. To require all prosecutions in municipal, police, or recorder's courts, for violations of the laws of Alabama to be carried on in the name of "The State of Alabama," as required by section 170 of the Constitution, and prosecutions for violations of municipal ordinances to be carried on in the name of municipality; and to declare the effect of judgments of such courts.

Judiciary.

By Mr. John.

H. 304. To strengthen the credit of municipalities in this State and provide for the collection of enough money to pay the interest on the bonds of any municipality which fails to pay the interest due on any bond of the municipality.

Judiciary.

By Mr. John.

H. 305. To require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

Commerce and Common Carriers.

By Mr. Lacy, of Walker.

H. 306. To refund to the purchasers of sixteenth section lands, the amount paid by such purchasers whenever it is judicially determined that by such purchase the purchaser acquired no title from the State.

Appropriations.

By Mr. Woolf. (With notice and proof.)

H. 307. To repeal an act entitled an act "to provide a road law for the county of Marengo and to enforce the same," approved February 26th 1907.

Revision of Laws.

Notice and proof H. 307:

NOTICE.

A bill will be introduced at the special session of the Legislature to repeal an act entitled an act to provide for the working of the public roads of Marengo county. Approved February 26th, 1907.

W. C. McKNIGHT.

State of Alabama, }
 Marengo County. }

This day personally appeared before me, Harry Simon, a notary public in and for said county and State, George D. Campbell, who, being by me duly sworn, says on oath that the annexed and foregoing advertisement of notice of intention to introduce a bill in the Legislature of Alabama, to repeal an act entitled an act to provide for the working of the public roads of Marengo county, approved February 26th, 1907, was published in the Demopolis Times, a newspaper published in said county and State, once a week for four consecutive weeks, beginning July the 15th, 1909, and published in said paper on said day, and also on the 22nd day of July 1909, on the 29th day of July, 1909, and on the 5th day of August, 1909, and that affiant is and was at the time of said publications, publisher of said Demopolis Times, which is a newspaper published in Demopolis, Marengo county, Alabama, and affiant makes this affidavit of his own knowledge.

GEORGE D. CAMPBELL.

Sworn to and subscribed before me, this the 5th day of August, 1909.

HARRY SIMON,
 Notary Public, Marengo County, Alabama.

By Mr. Coleman. (With notice and proof.)

H. 308. For the relief of Hilliard W. Sexton, and to allow him a pension for services rendered in the Confederate Army.

Appropriations.

Notice and proof H. 308:

Notice is hereby given that a bill will be introduced at the special session of the Legislature, to be called July 27th, to allow Hilliard W. Sexton a pension for services rendered in the Confederate army.

State of Alabama, }
 Marshall County. }

Personally appeared before me, A. B. Hooper, a notary public in and for said State and county, A. R. Kearney, publisher of the Marshall Banner, a newspaper published at Albertville, Ala., who being duly sworn states that the above attached notice appeared in said paper for four consecutive weeks, the last insertion appearing in the issue of August 5th, 1909.

A. R. KEARSEY, Publisher.

Sworn to and subscribed before me this the 5th day of August, 1909.

A. B. HOOPER,
 Notary Public.

By Mr. McDuffie.

H. 309. To amend section 3394 of the Code of Alabama, 1907.

Revision of Laws.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and as amended has passed

H. 21. To promote temperance and suppress the evils of intemperance, to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes or devices therefor; and to prohibit the manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and beverages, the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

And returned same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Haley the House concurred in the Senate amendment to the bill, H. 21, said Senate amendment being as follows:

Amend, by inserting in the caption of the bill, after the word "sale" and before the word "barter" the words: "Offering for sale, keeping or having in possession for sale."

Yeas, 70; nays, 2.

Yeas:

Messrs. Speaker	Haley	Pitts (Dallas)
Altman	Henley	Pitts (Perry)
Arnold	Hughes	Powell (Bullock)
Arrington	Jenkins	Powell (Covington)
Avery	Johnson	Pratt
Ballard (Pike)	Killen	Price
Benners	King	Pugh
Benson	Kirby	Rainer
Brown	Lacy (Walker)	Rice
Bulger	Lawson	Rowe
Cannon	Lee (Barbour)	Rushton
Carmichael	Lee (Etowah)	Sanders
Coleman	Lindsey	Sherrod
Cooper	Long (Morgan)	Smith (Elmore)
Cranford	Malone	Tarrant
Crum	Maner	Tunstall
Cunningham	Mayfield	Urquhart
Doyle (Clarke)	Mitchell	Vann
Doyle (Marengo)	McCrary	Wittmeier
Elrod	McCurdy	White (Lamar)
Fuller	McMillan	Williams (Barbour)
Garner	Pearson	Williams (Lee)
Glover	Peete	Woolf
Gunter		

—70.

Nays:

Messrs.

Edwards

Rattray

—2.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on enrolled bills begs leave to report that it has examined and found correctly enrolled the following bill:

H. 22. An act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which is set out in the above and foregoing report of the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 56. To amend section 770 of the Code of Alabama, 1907.

S. 70. To repeal sections 1720 and 1742 of the Code of Alabama and to amend sections 1721, 1722, 1723, 1726, 1727 and 1741 of the Code of Alabama.

S. 74. To amend section 5304 of the Code of 1907.

S. 80. To amend section 6 of an act approved July 17, 1907, entitled "An act to amend sections 6, 9, 10, 16, 17, 19 and 20 of an act entitled 'An act to provide for the re-districting of the public schools of the State and for the management and control of the same,' approved September 30, 1903."

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Education S. 70. S. 80.

Agriculture, S. 56.

Judiciary S. 74.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14, 1907, and to validate and confirm issues of bonds made under said act.

H. 69. To fix the time of holding the circuit court of Coffee county at Enterprise, Alabama.

H. 88. To provide for the consolidation of the various funds in the treasury of the State, and regulating the manner in which appropriations shall be paid out of the consolidated fund.

H. 106. To fix the times of holding, in each year, the circuit courts of Chilton county, in the fifteenth judicial circuit of the State of Alabama, and to repeal former laws fixing the times for holding said courts.

H. 120. To vacate and annul the charter and dissolve the corporation of the city of Avondale.

H. 144. To create the office of county solicitor for Conecuh county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

H. 145. To amend sections 546 and 547 of the Code of 1907.

H. 146. To better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor, and to fix the amount of such fees.

H. 158. To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23rd, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled ~~"an act to amend sections six (6) and twenty-five (25) of an act approved February 18th, 1895, entitled 'an act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."~~

H. 169. To amend section 3484 of the Code of Alabama.

H. 182. To encourage a better system of agriculture in this State.

H. 185. To authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the Legislature for said county. And this act is to apply to and include all local bills for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill, and no other.

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the

Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

H. 196. To repeal "an act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved December 5th, 1900.

H. 222. To fix the salaries of the judge and associate judge of the city court of Montgomery.

H. 167. To repeal an act entitled "An act to establish the county court of Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8, 1901, and to repeal "An act to amend an act entitled an act to establish the county court for Coffee county with criminal jurisdiction in misdemeanor cases, approved February 8, 1901. Said act as amended to make said court an inferior court of record with civil jurisdiction as well as criminal, as follows:

Said court to have jurisdiction in all civil matter concurrently with justice of peace, and also with the circuit court of said county wherein the subject matter does not exceed \$500.00, except in civil actions of libel, slander, assault and battery, or ejectment or statutory actions in the nature of ejectment; also providing for the trials by said court of all appeals from the justices courts of said county in civil actions; regulating the powers and authority of the judge of said court and making the same commensurate with the judge of the circuit court with respect to remedial writs, and vesting jurisdiction in the judge of said court with respect to trial of habeas corpus cases in said county commensurate with judge of probate; regulating the practice and procedure of said court and prescribing the qualifications of the judge and solicitor and providing their salaries, mode and means of payment; providing for jury terms and regulating the juries thereof and selection; restoring to justice of peace original jurisdiction of the misdemeanor cases provided for trial by them under the code, and providing for appeals and such cases to the said county court of Coffee; and further regulating said court and

trials therein," approved September 29, 1903; and to provide for the transfer of criminal proceedings on indictments and criminal and civil proceedings on appeal pending in said county court to the circuit court of Coffee county.

H. 138. To amend section 1996 of the Code of 1907.

H. 154. To amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907.

H. 137. To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintenance of structures for the public convenience on such vacated portions of streets.

H. 89. To vacate and annul the dedication of the following described highway or part of highway, in the city of Bessemer, Jefferson county, Alabama, and described according to the map and plat of Bessemer Land and Improvement Company; that part of the alley between 7th and 8th avenues and extending from 21st to 22nd street, entirely through block three hundred and eighty-five (385) and to close such portion of said alley as a public highway.

ERNEST LACY, Chairman.

The report of the committee on Engrossed bills was concurred in.

Mr. Gunter, moved that the House remain in session until 1:30 o'clock for the purpose of considering H. 246, and the motion prevailed.

SPECIAL ORDER.

The hour having arrived the House proceeded to the consideration of the special order which was the bill:

H. 246. (With amendment.) To amend an act entitled "An act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers

thereof, and to prescribe penalties for violations of the provisions of this act," by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 128, 78 thereof and adding sections 94 $\frac{1}{2}$, 107 $\frac{1}{2}$, 137 $\frac{1}{2}$, 139 $\frac{1}{2}$, 140 $\frac{1}{2}$.

The question was upon the adoption of the amendment offered by the standing committee on Municipal Organization, said amendment being as follows:

Amend the title and the bill adding to the last line of the title the figures 99 $\frac{1}{2}$ and 139 $\frac{3}{4}$; and adding to section three of said bill at the end thereof."

Section 99 $\frac{1}{2}$. The council shall have the right by ordinance to regulate the schedules of street railways and to enforce the same by penalties upon the president of the companies or managers thereof as provided by this act."

Section 139 $\frac{3}{4}$. When any street improvement contemplated by this act has been or may hereafter be made, and an assessment levied therefor, no such assessment shall be vacated, set aside or invalid because of any failure to observe any provision of the law with reference to the passage of the original ordinance or resolution, notice of such by publication, notice to bidders, award of contract, or because of any provision contained in the contract for doing such work not authorized by law, or because of any failure to use the exact wording required by law as to notice of assessment, provided that such notice is given in substantial compliance with such provisions of the law, or because of any failure to recite in the assessment ordinance or resolution that assessments are levied in accord with the benefits received, or because of any act or defect in the proceedings upon which such assessment is based; provided, however, that when any improvement contemplated by this act has been, or may be hereafter made, and an assessment levied therefor, and such assessment is invalid because of a failure to give notice of, and afford a hearing on, the question of the amount of the assessments, or because of any other defect, or defects, the city authorities shall proceed to make a new assessment of benefits in the same manner provided by law for the making of the original assessment.

Mr. Pitts, of Dallas, offered the following amendment to the amendment reported by the standing committee on Municipal Organization:

Amend the amendment by striking out the words or figures 139 $\frac{3}{4}$ wherever they occur and by striking out Sec. 139 $\frac{3}{4}$.

And the amendment to the amendment was adopted.

The hour of 1:30 p. m., having arrived the House adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Edwards	Long (Butler)
Altman	Elrod	Lyons
Arnold	Fuller	Malone
Arrington	Garner	Mauer
Avery	Glover	Mastin
Ballard (Autauga)	Gunter	Mayfield
Ballard (Pike)	Haley	Mitchell
Barton	Henley	Moore
Benners	Hoffman	McCrary
Benson	Hughes	McCurdy
Brown	Jenkins	McDuffie
Bulger	John	Pearson
Burney	Johnson	Peete
Cannon	Killen	Pitts (Dallas)
Carmichael	King	Pitts (Perry)
Coleman	Kirby	Powell (Bullock)
Cooper	Lacy (Walker)	Powell (Covington)
Cranford	Lancaster	Parker
Crum	Lawson	Price
Cunningham	Lee (Barbour)	Pugh
Doyle (Clarke)	Lee (Etowah)	Rainer
Doyle (Marengo)	Lee (Houston)	Rattray
Dudley	Lindsey	Rice

Rowe	Smith (Elmore)	Vann
Rushton	Smith (Lee)	Wittmeyer
Sample	Stollenwerck	White (Lamar)
Sanders	Tarrant	Williams (Barbour)
Sanford	Tunstall	Williams (Lee)
Seale	Turner	Woelf
Sherrod	Urquhart	

—89.

A quorum was present.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. T. J. Carlisle, of Enterprise, Hon. H. S. D. Mallory of Selma, Hon. Jas F. Peters, of Shelby, Hon. Wm. M. Lackey, of Dadeville, and Hon. Augustus Benners, of Jefferson for this afternoon.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the Bill H. 246.

H. 246. (With amendment.) To amend an act entitled "an act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act" by amending the title and sections 23, 36, 38, 63, 81, 120, 126, 78 thereof and adding sections 94 1-2, 107 1-2, 137 1-2, 139 1-2, 140 1-2.

The question was upon the adoption of the amendment reported by the standing committee on Municipal Organization, as amended by the amendment offered by Mr. Pitts, of Dallas.

Mr. Haley, moved to table the amendment as amended, and the motion to table was lost on account of no quorum voting.

And the amendment as amended was lost.

Yeas, 27; nays, 33.

Yeas:**Messrs. Speaker****Altman****Benness****Benson****Brown****Carmichael****Coleman****Cooper****Cranford****Cunningham****Doyle (Marengo)****Fuller****Garner****Gunter****Hoffman****Hughes****John****King****Kirby****McCrory****McDuffie****Pearson****Pitts (Perry)****Powell (Bullock)****Pratt****Rainer****Sherrod**

—27.

Nays:**Avery****Barton****Cannon****Crum****Edwards****Glover****Haley****Henley****Johnson****Killen****Lee (Barbour)****Lee (Etowah)****Long (Butler)****Malone****Mayfield****Mitchell****Moore****Powell (Covington)****Price****Pugh****Rattray****Rushton****Sanders****Sanford****Stollenwerck****Tarrant****Tunstall****Urquhart****Vann****Witt reier****White (Lamar)****Williams (Lee)****Woolf**

—33.

Mr. Kirby, offered the following amendment to the Bill, H. 246.

Amend section 78 by adding after the word "removed" the following:

That no alderman, employee or near relative of an alderman or employee shall take any contract from said city, and on conviction shall be fined not less than \$100, nor more than \$500, and may be sentenced to hard labor for the county for not more than six months in the discretion of the court. Provided, this shall not apply to any member of council or employee of said city that sells to the city any tools or supplies conveniently used in working or repairing the streets.

On motion of Mr. Tunstall, the amendment offered by Mr. Kirby, was laid upon the table.

Mr. Maner offered the following amendment to the bill, "amend the bill by striking out section 107½ of section 3 of the bill.

On motion of Mr. Gunter, the amendment offered by Mr. Maner, was laid upon the table.

Mr. Hoffman offered the following amendment to the bill:

Amend the caption of the bill by inserting after the figures 94½ the figures and letter "99a." Amend the first line of section 3 by inserting after the figures 94½ the figures and letter "99 a." Amend section 3 by adding after the end of Sec. 94½ the following:

"Section 99 a. The governing authorities of no city or town shall hereafter grant any franchise or permission to use any street or any part thereof, which does not carry as a condition precedent the agreement of the street railway company to sell tickets to school children over all its lines, then constructed or to be constructed at two and one half cents each which may be used at any time during the period schools are in session to and from any place on said railroad within the county.

And the amendment offered by Mr. Hoffman, was adopted.

Yeas, 68; nays, 2.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Lawson
Altman	Doyle (Marengo)	Lee (Etowah)
Arnold	Edwards	Lindsey
Avery	Fuller	Malone
Ballard (Autauga)	Garner	Mastin
Ballard (Pike)	Glover	Mayfield
Barton	Gunter	Mitchell
Benners	Haley	Moore
Benson	Hoffman	McCrary
Brown	Hughes	McCurdy
Bulger	Jenkins	McDuffie
Carmichael	John	Pearson
Cooper	Johnson	Peete
Crum	King	Pitts (Dallas)
Cunningham	Kirby	Pitts (Perry)

Powell (Bullock)	Rowe	Tarrant
Powell (Covington)	Rushton	Tunstall
Pratt	Sanders	Urquhart
Price	Sanford	Vann
Pugh	Seale	Wittmeier
Rainer	Sherrod	White (Lamar)
Rattray	Smith (Elmore)	Williams (Lee)
Rice	Smith (Lee)	

—68.

Nays:
 Maner Stollenwerck

—2.

Mr. Lee, of Etowah, offered the following amendment to the bill:

Amend by striking out the word "two" in line 9 on page 12 of the printed bill and insert in lieu thereof the word "three."

And the amendment offered by Mr. Lee, of Etowah, was adopted.

Yeas, 66; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Mayfield
Altman	Fuller	Mitchell
Avery	Glover	Moore
Ballard (Autauga)	Gunter	McCrary
Ballard (Pike)	Haley	McCurdy
Baltzell	Hoffman	Pearson
Barton	Jenkins	Peete
Benners	Johnson	Pitts (Dallas)
Benson	King	Pitts (Perry)
Brown	Kirby	Powell (Bullock)
Carmichael	Lacy (Walker)	Powell (Covington)
Coleman	Lawson	Pratt
Cooper	Lee (Barbour)	Pugh
Cranford	Lee (Etowah)	Rainer
Crum	Lee (Houston)	Rice
Cunningham	Lindsey	Rowe
Doyle (Clarke)	Long (Butler)	Rushton
Doyle (Marengo)	Malone	Sanders
Edwards	Mastin	Seale

Sherrod	Tarrant	White (Lamar)
Smith (Lee)	Tunstall	Williams (Lee)
Stollenwerck	Urquhart	Woolf

—66.

And the bill:

H. 246. To amend an act entitled “an act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act” by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof and adding sections 94 1-2, 107 1-2, 137 1-2, 139 1-2, 140 1-2.

As amended was read a third time, at length and passed.

Yeas, 65; nays, 7.

Yeas:

Messrs. Speaker	Glover	Peete
Altman	Gunter	Pitts (Dallas)
Arnold	Haley	Pitts (Perry)
Arrington	Hoffman	Pratt
Avery	Hughes	Price
Ballard (Autauga)	Jenkins	Pugh
Ballard (Pike)	John	Rainer
Barton	Johnson	Rattray
Benners	Killen	Rowe
Brown	King	Rushton
Burney	Lacy (Walker)	Sanders
Carmichael	Lawson	Sanford
Coleman	Lee (Barbour)	Seale
Cooper	Lee (Houston)	Sherrod
Cranford	Lindsey	Smith (Lee)
Crum	Long (Butler)	Stollenwerck
Cunningham	Mastin	Tarrant
Doyle (Clarke)	Mayfield	Tunstall
Doyle (Marengo)	McCrory	Urquhart
Edwards	McCurdy	Williams (Lee)
Fuller	McDuffie	Woolf
Garner	Pearson	

—65.

Nays:		
Benson	Maner	Wittmeler
Cannon	Mitchell	White (Lamar)
Lee (Etowah)		

—7.

BILLS INDEFINITELY POSTPONED.

On motion of Mr. Hoffman, the bills, S. 37, S. 38 and S. 39 were indefinitely postponed.

BILLS ON SECOND READING.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 231. To require the prompt settlement of death claims by life insurance companies doing business in this State.

H. 262. To provide what shall be the contents of insurance policies issued by companies authorized to issue insurance policies in this State.

H. 263. To regulate the writing of fire insurance, and to prohibit the furnishing of information concerning same to those not authorized by law to receive such information, and to provide penalties for violations of the provision of this act.

S. 14. To amend section 4558 of the Code of Alabama, 1907.

S. 18. To amend section 7424 of the Code of Alabama, 1907.

S. 2. To prohibit misrepresentations, rebating and discriminations by life insurance companies, and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

S. 3. To amend section 4559 of the Code of Alabama, 1907.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

S. 1. To fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid association.

S. 5. To amend section 7189 of the Code of Alabama, 1907.

Mr. Vann, acting chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 239. (With amendment.) To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 286. To adopt a Code.

Mr. Maner, chairman of the standing committee on Corporations, reported that said committee in session had acted on the following bill and ordered same returned to the House with favorable report:

H. 27. To fix and regulate the right of voting of each stockholder in corporations organized under the laws of Alabama.

The above foregoing bills were severally read a second time, and placed on the calendar.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Lee, of Etowah. (By request.)

H. 310. To amend section 2229, of the Code of 1907.
Judiciary.

By Mr. Price. (With notice and proof.)

H. 311. To repeal an act approved November 23, 1907, entitled "an act to provide for a license tax of one dollar on each dog over the age of three months kept in Russell county, Alabama; and to authorize the judge of probate of said county, to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license.

Local Legislation.

Notice and proof H. 311:

Notice of application to the Legislature to repeal the
Russell county law requiring a license tax on dogs.

To all whom it may concern—greeting:

Notice is hereby given of our intention to apply to the special session of the Legislature of Alabama to convene on the 27th day of July 1909, to repeal Act No. 81, of said Legislature approved November 23rd, 1907, entitled "an act to provide for a license tax of one dollar on each dog, over the age of three months, kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county, to be expended upon the public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months, without first having taken out such license.

Witness our hands, July 12, 1909.

W. H. BANKS,
O. C. THIGPEN,
T. S. DAVIS,
And others.

The State of Alabama, }
 Russell County. }

Before me, H. T. Benton, Judge of Probate in said county, came this day W. H. Chadwick, who, being by me duly sworn, deposes and says, that he is one of the publishers of the Russell Register, a weekly newspaper published in the town of Seale in said county, and that the notice hereto attached and made a part of this affidavit, was published in said newspaper once a week for four consecutive weeks, commencing on the 16th, day of July, 1909, and ending on the 6th, day of August, 1909.

W. H. CHADWICK.

Sworn to and subscribed before me this 6th, day of August, 1909.

H. T. BENTON,
 Judge of Probate.

By Mr. Mitchell. (With notice and proof.)

H. 312. For the relief of T. J. Faris, county surveyor of Marion county, Alabama, by authorizing the payment of \$86.90 to him, the amount allowed by law to him as such county surveyor under section 3640 of the Code of 1896 for making the surveys and plats therein provided for in and for section 16, township 10, range 13, west, Marion county, Alabama, said work having been performed before the Code of 1907 became effective; to provide the manner of such payment and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said \$86.90 is concerned.

Local Legislation.

Notice and proof H. 312:

NOTICE.

To whom it may concern:

Application will be made to the Legislature for the passage of a law to appropriate \$86.90 out of the proceeds of the sale of section 16, township 10, range 13 west, Marion county, Alabama, when sold under the law

applicable to the sale of said land, to pay T. J. Faris, county surveyor, the amount allowed by law in April, 1908, for making the surveys and plats and for necessary help in said survey, in and for said section 16, township 10, range 13 west, the same being school land, said work having been performed as required by law before the Code of 1907 became effective and on account of the change of the law the sale thereof was not made; to provide the manner of said payment, and to repeal all laws and parts of laws in conflict therewith in so far as the payment of said sum is concerned.

C. E. MITCHELL.

PUBLISHER'S AFFIDAVIT.

The State of Alabama, }
Marion County. }

Before me, Mack Pearce, Judge of Probate, in and for said county, State aforesaid, personally appeared G. J. Wilson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the town of Hamilton, State and county aforesaid, and that a certain advertisement (a true copy of which is hereunto attached), has been published in said newspaper for four consecutive weeks prior to the 22nd day of July, 1909, and the respective numbers and dates of said newspaper in which said publication was made are the following: No. 23, the 10th day of June, 1909; No. 24, the 17th day of June, 1909; No. 25, the 24th day of June, 1909; No. 26, the 1st day of July, 1909. Said notice relates to a local law for the relief of T. J. Faris, as county surveyor, and was published without cost to the State.

G. J. WILSON,

Publisher.

Sworn to and subscribed before me this 22nd day of July, 1909.

MACK PEARCE,

Judge of Probate.

By Mr. Arrington. (With Notice and Proof.)

H. 313. To provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county; to define the jurisdiction of

the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

Revision of Laws.

Notice and proof H. 313:

Exhibit A.

NOTICE.

Is hereby given that at the next session of the Legislature application will be to have the following bill passed:

A bill to be entitled an act to provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county; to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

Section 1. Be it enacted by the Legislature of Alabama, That on and after the passage of this act, the circuit court for Coffee county, Alabama, shall be held twice each year at both Elba and Enterprise in said county.

Section 2. That the line now defining the western line of the territorial jurisdiction of the court now held at Enterprise in said county be and the same is designated as the dividing line between the two courts. That portion of the county lying east of said line shall be known as the Enterprise division and that west as the Elba division. That in all cases of which the circuit court of said county has or may hereafter have jurisdiction civil suits or proceedings shall be instituted in that division in which the defendant resides or in which one of the defendants resides if there be more than one, or in which the land involved in litigation is located, or if the land is located partly in both divisions, then in that division in which one of the defendants resides or if the defendant in any cause is a non-resident, then in that division in which the property attached or seized

is located or the cause of action arose; in criminal cases the defendant shall be tried in that division in which the crime or offense was committed. If any civil cause or proceeding is brought contrary to the above provisions or if any criminal case is made returnable to the division in which the crime or offense was not committed, then such defendant or any one of them, if more than one in the same case, may in vacation make application to the clerk of the court to have his case transferred to the proper division, and upon the filing of such application such clerk shall transfer the said case together with the file of papers therein, and if such application is made in term time the court shall make an order transferring the same. That the court at each place as also the grand jury impaneled at each place shall have jurisdiction co-extensive with the county.

Section 3. That grand jurors for the terms of court held at each of the places named shall be drawn from the county at large as now provided by the general laws of the State; that petit jurors shall be drawn from the particular division in which the court is to be held, and in every other particular the manner of selection and drawing shall be as under the general laws of the State regulating the same.

Section 4. That all laws of a local character in so far as they conflict with or are repugnant to the provisions of this act be and the same are hereby repealed.

State of Alabama, }
County of Coffee. }

Before me, J. M. Loffin, a notary public in and for said State and county, personally appeared G. W. Carlisle, known to me to be the editor and proprietor of the People's Ledger, a newspaper published at Enterprise, Coffee county, Alabama, who being by me first duly sworn, doth state on oath, that he is editor and publisher of said paper; that the same is and has been published and issued in weekly editions regularly in said county for more than twelve months last past and that the notice hereto attached marked "Exhibit A" was published without cost to the State, once a week for four consecutive weeks, in said newspaper, in said county, next before the making of this affidavit.

G. W. CARLISLE.

Sworn to and subscribed before me this 3rd day of August, 1909.

J. M. LOFLIN,
Notary Public.

By Mr. Lee, of Houston. (With Notice and Proof.)

H. 314. To absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Revision of Laws.

Notice and proof H. 314:

State of Alabama, }
Houston County. }

Before me, Hattie Robertson, notary public in and for said county, personally came R. C. Williams, who being duly sworn, says that he is the editor of Wire Grass Siftings, a newspaper published at Dothan, in Houston county, Alabama; and that the said Wire Grass Siftings is a weekly newspaper published weekly at Dothan, in Houston county, Ala.;

NOTICE.

Notice is hereby given that an application will be made to the Legislature of Alabama which convenes on the 27th day of July, 1909, to pass a law as follows:

A bill to be entitled an act to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Section 1. Be it enacted by the Legislature of Alabama, That Houston county be and is hereby absolved and forever discharged from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having heretofore been cut off and put into Houston county.

GEO. LESLIE,
A. BROWN,
M. MURPHY,
T. P. McGRUFF,
W. J. PARISH.

July 13th, 1909.

And the above attached notice to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put in Houston county, was published once a week for four consecutive weeks in said newspaper, the said Wire Grass Siftings before the making of this affidavit.

R. C. WILLIAMS.

Sworn to and subscribed before me, this the 7th day of August, 1909.

HATTIE ROBERTSON,

Notary Public.

Notice is hereby given that an application will be made to the Legislature of Alabama which convenes on the 27th day of July, to pass a law as follows:

A bill to be entitled an act to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Section 1. Be it enacted by the Legislature of Alabama, That Houston county be and is hereby absolved and forever discharged from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having heretofore been cut off and put into Houston county.

July 13, 1909.

GEORGE LESLIE,
M. MURPHY,
A. BROWN,
T. P. McGRUFF,
W. J. PARISH.

State of Alabama, }
Henry County. }

Before me, T. H. Blackridge, clerk of the circuit court in and for said county, came J. R. Espy, who being duly sworn, says that he is the editor and manager of the Abbeville Times, a newspaper published at Abbeville,

in Henry county, Alabama; and that the said Abbeville Times is a weekly newspaper published weekly at Abbeville in Henry county, Alabama; and the above attached notice to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put in Houston county, was published once a week for four consecutive weeks in said newspaper, said Abbeville Times, before the making of this affidavit. J. R. ESPY.

Sworn to and subscribed before me this the 7th day of August, 1909.

T. H. BLACKBRIDGE,
Clerk of the Circuit Court, of
Henry County, Alabama.

By Mr. Henley. (By request.)

H. 315. To amend section 7692 of the Code of 1907.
Commerce and Common Carriers.

RECOMMITTAL OF BILL.

On motion of Mr. John, the bill

H. 6. (With amendment.) To authorize the larger cities of the State to adopt the commission form of government and to provide a system for such government.

Was recommitted to the standing committee on Municipal Organization, and that said bill would not lose its place on the calendar.

BILLS ON THIRD READING.

H. 260. To rearrange the boundaries of the town of Oxford, Calhoun county, Alabama.

Was read a third time, at length and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Benness	Cannon
Altman	Benson	Carmichael
Arnold	Brown	Coleman
Avery	Bulger	Cooper
Barton	Burney	Cranford

Crum	Lyons	Rice
Doyle (Marengo)	Malone	Rowe
Dudley	Mauer	Rushton
Edwards	Mastin	Sample
Elrod	Mayfield	Sanders
Fuller	Mitchell	Sanford
Garner	Moore	Seale
Glover	McCrary	Sherrod
Gunter	McCurdy	Smith (Elmore)
Haley	McDuffie	Smith (Lee)
Henley	Pearson	Stollenwerck
Hoffman	Peete	Tarrant
Hughes	Pitts (Dallas)	Tunstall
Jenkins	Pitts (Perry)	Turner
Johnson	Powell (Bullock)	Urquhart
Killen	Pratt	Vann
King	Price	Wittmeier
Kirby	Pugh	White (Lamar)
Lawson	Rainer	Woolf
Lindsey	Rattray	

—64

Nay:
Mr. John.

—1

H. 11. To amend an act entitled "An act to prohibit common carriers and their officers, agents, and employes from publishing, exacting, charging or receiving any higher or greater rates of compensation for the transportation of property or passengers than that specifically designated and prescribed by statute, or made the maximum rate by statute, or than that established by the railroad commission, and from refusing to receive property or passengers for transportation at such rates; to provide penalties for a violation thereof, and fix the period in which proceedings may be instituted for the recovery of such penalties, and the procedure to recover the same," approved November 23, 1907.

Was read a third time, at length and passed.

Yeas, 67; nays, 3.

Yeas :

Messrs. Speaker

Arnold

Arrington

Avery

Ballard (Autauga)

Ballard (Pike)

Barton

Benners

Brown

Bulger

Burney

Carmichael

Coleman

Cooper

Cranford

Crum

Cunningham

Dudley

Edwards

Elrod

Fuller

Garner

Glover

Gunter

Haley

Henley

Hoffman

Hughes

John

Johnson

Killen

King

Kirby

Lacy (Walker)

Lawson

Lee (Etowah)

Lindsey

Long (Butler)

Lyons

Malone

Maner

Mastin

Mitchell

Moore

McCurdy

Pearson

Peete

Pitts (Dallas)

Pitts (Perry)

Powell (Bullock)

Pugh

Rainer

Rattray

Rice

Rowe

Rushton

Sanders

Sanford

Seale

Sherrod

Smith (Elmore)

Smith (Lee)

Stollenwerck

Tarrant

Wittmeier

White (Lamar)

Woolf

—67

Nays :

Messrs.

Benson

Cannon

Jenkins

—3

H. 12. To amend section 5520 of the Code.

Was read a third time, at length and passed.

Yeas, 59; nays, 3.

Yeas :

Messrs. Speaker

Arnold

Arrington

Avery

Ballard (Autauga)

Ballard (Pike)

Barton

Benners

Brown

Bulger

Burney

Carmichael

Cooper

Cranford

Crum

Cunningham

Doyle (Clarke)

Doyle (Marengo)

Dudley

Fuller

Garner

Glover

Gunter

Haley

Henley	Maner	Seale
Hoffman	Mitchell	Sherrod
Hughes	Moore	Smith (Elmore)
John	McCurdy	Smith (Lee)
Johnson	Pitts (Dallas)	Stollenwerck
King	Pitts (Perry)	Tarrant
Lawson	Powell (Bullock)	Turner
Lee (Etowah)	Rainer	Urquhart
Lee (Houston)	Rowe	Vann
Lindsey	Rushton	Wittmeier
Long (Butler)	Sanders	White (Lamar)
Malone	Sanford	

—59

Nays:
 Cannon Jenkins McDuffie

—3

H. 14. To provide for and authorize appeals from any action or order of the railroad commission of Alabama reducing or increasing or refusing to increase any rates, fares or charges by common carriers for the transportation of property, freight or passengers, specifically prescribed by statute, or made the maximum rates by statute, or established by the railroad commission.

Was read a third time, at length and passed.

Yeas, 60; nays, 1.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Lawson
Altman	Dudley	Lee (Etowah)
Arnold	Edwards	Lee (Houston)
Arrington	Elrod	Lindsey
Avery	Fuller	Long (Butler)
Ballard (Autauga)	Garner	Maner
Ballard (Pike)	Gunter	Mastin
Barton	Haley	Moore
Benners	Henley	McCurdy
Bulger	Hoffman	McDuffie
Burney	Hughes	Peete
Carmichael	John	Pitts (Dallas)
Cooper	Johnson	Pitts (Perry)
Cranford	Killen	Powell (Bullock)
Cunningham	Lacy (Walker)	Rainer

Rowe	Sherrod	Urquhart
Rushton	Smith (Elmore)	Vann
Sanders	Smith (Lee)	Wittmeler
Sanford	Stollenwerck	White (Lamar)
Seale	Tarrant	Woolf

—60

Nays:
Mr. Cannon.

—1

H. 15. To repeal an act entitled "An act to exclude from the railroad commission and the members thereof and the attorney general all power, authority or duty to enforce any rates, fares or charges, for the transportation of property or passengers which have been or which may hereafter be prescribed by statute, or made the maximum rates by statute, or any law now existing or which may hereafter be enacted prescribing such rates, fares or charges which have been or may hereafter be established by the railroad commission's orders establishing the same, and all power and authority to instruct, direct or request the attorney general to institute any legal proceedings to enforce such rates, fares, charges, statutes or orders," approved November 23, 1907.

Was read a third time, at length and passed.

Yeas, 63; nays, 1.

Yeas:

Messrs. Speaker	Crum	Killen
Arrington	Cunningham	King
Avery	Doyle (Marengo)	Lacy (Walker)
Ballard (Autauga)	Dudley	Lawson
Ballard (Pike)	Edwards	Lee (Etowah)
Barton	Elrod	Lee (Houston)
Benners	Fuller	Lindsey
Benson	Garner	Long (Butler)
Brown	Gunter	Lyons
Bulger	Haley	Mastin
Burney	Hughes	Mitchell
Carmichael	Jenkins	McDuffie
Coleman	John	Pearson
Cooper	Johnson	Peete

Pitts (Dallas)	Rushton	Stollenwerck
Pitts (Perry)	Sanders	Tarrant
Pratt	Sanford	Urquhart
Price	Seale	Wittmeier
Rainer	Sherrod	White (Lamar)
Rice	Smith (Elmore)	Williams (Barbour)
Rowe	Smith (Lee)	Woolf

—63

Nays:

Mr. Cannon.

—1

H. 16. To repeal an act entitled "An act to prohibit railroads and other common carriers, or terminal companies or other companies or persons controlling access to passenger trains from preventing access to regular trains carrying passengers by the use of fences, gates, bars, or by any means whatsoever by any person desiring to take passage on said trains between points within this State when such person has offered to purchase a ticket at the rate prescribed by statute, or fixed by the railroad commission, and the sale of such ticket at such rate has been refused; to prescribe the penalty for violations thereof, the period within which proceedings may be instituted to recover such penalties and the procedure for the recovery of the same," approved December 3, 1907.

Was read a third time, at length and passed.

Yeas, 61; nays, 1.

Yeas:

Messrs. Speaker	Cooper	John
Altman	Cunningham	Johnson
Arrington	Doyle (Maréngo)	Killen
Avery	Dudley	King
Ballard (Autauga)	Elrod	Lacy (Walker)
Ballard (Pike)	Fuller	Lawson
Barton	Garner	Lee (Barbour)
Benness	Glover	Lee (Etowah)
Benson	Gunter	Lee (Houston)
Bulger	Haley	Lindsey
Burney	Henley	Long (Butler)
Carmichael	Hughes	Mitchell
Coleman	Jenkins	Moore

McCurdy	Rowe	Tarrant
McDuffie	Sanders	Tunstall
Pearson	Sanford	Vann
Peete	Sherrod	Wittmeier
Powell (Bullock)	Smith (Elmore)	White (Lamar)
Pugh	Smith (Lee)	Williams (Barbour)
Rainer	Stollenwerck	Woolf
Rice		

—61

Nays:

Mr. Cannon.

—1

H. 17. To amend section 4 of an act approved November 23, 1907, entitled "An act to amend sections 5, 29, 35, 41 and 52 of an act of the Legislature of Alabama entitled an act to create a railroad commission to be known as the railroad commission of Alabama, define its duties and powers, and to provide for its mode of procedure, and prescribe penalties for violation of its orders, approved February 23, 1907."

Was read a third time, at length and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Fuller	Mayfield
Altman	Garner	Mitchell
Arnold	Glover	Moore
Avery	Gunter	McCurdy
Barton	Haley	McDuffie
Benness	Henley	Pearson
Benson	Hughes	Peete
Brown	Jenkins	Pitts (Dallas)
Bulger	John	Powell (Bullock)
Burney	Johnson	Powell (Covington)
Carmichael	Killen	Pratt
Coleman	King	Price
Cooper	Lacy (Walker)	Pugh
Cranford	Lee (Houston)	Rainer
Crum	Lindsey	Rice
Doyle (Clarke)	Long (Butler)	Rowe
Doyle (Marengo)	Malone	Rushton
Elrod	Maner	Sanders

Sanford	Smith (Lee)	Williams (Barbour)
Seale	Stollenwerck	Williams (Lee)
Sherrod	Tarrant	Woelf
Smith (Elmore)		

—64

Nays:

Mr. Cannon.

—1

H. 18. To repeal an act entitled "An act to make railroad corporations and other common carriers liable in damages to passengers or persons desiring to become passengers for refusing to carry such persons between points in this State at which regular stops are made to take on and let off passengers at the rate or fare which has been or may hereafter be prescribed by statute, or the rate which has been or may hereafter be established by the railroad commission; to authorize actions to recover said damages and prescribe the period within which such actions may be brought and the procedure," approved Dec. 3, 1907.

Was read a third time, at length and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Fuller	Malone
Altman	Garner	Mayfield
Arnold	Glover	Mitchell
Avery	Gunter	Moore
Ballard (Autauga)	Haley	McCrary
Ballard (Pike)	Henley	McCurdy
Barton	Hughes	McDuffie
Benners	Jenkins	Pearson
Benson	John	Peete
Brown	Johnson	Pitts (Perry)
Burney	Killen	Powell (Bullock)
Carmichael	King	Pratt
Coleman	Lacy (Walker)	Price
Cooper	Lee (Etowah)	Pugh
Crum	Lee (Houston)	Rainer
Dudley	Lindsey	Rice
Edwards	Long (Butler)	Rowe
Elrod	Lyons	Rushton

Sanders	Smith (Lee)	Williams (Barbour)
Sanford	Stollenwerck	Williams (Lee)
Sherrod	Tarrant	Woolf
Smith (Elmore)		

—64

Nays:

Mr. Cannon.

—1

H. 19. To amend section 5556 of the Code.

Was read a third time, at length and passed.

Yeas, 66; nays, 1.

Yeas:

Messrs. Speaker	Gunter	McCurdy
Altman	Haley	McDuffie
Arnold	Henley	Pearson
Avery	Hoffman	Peete
Ballard (Pike)	Jenkins	Pitts (Dallas)
Barton	John	Pitts (Perry)
Benners	Johnson	Powell (Bullock)
Benson	Killen	Pratt
Brown	King	Price
Bulger	Kirby	Pugh
Burney	Lacy (Walker)	Rainer
Carmichael	Lee (Etowah)	Rice
Coleman	Lee (Houston)	Rowe
Cooper	Lindsey	Rushton
Cranford	Long (Butler)	Sanders
Crum	Lyons	Sanford
Dudley	Malone	Seale
Edwards	Mastin	Sherrod
Elrod	Mayfield	Smith (Elmore)
Fuller	Mitchell	Smith (Lee)
Garner	Moore	Williams (Lee)
Glover	McCrory	Woolf

—66

Nays:

Mr. Cannon.

—1

H. 20. To repeal "An act to authorize the recovery of damages by any person who has been ejected from any regular passenger train, or any railroad in this State for

refusal to pay a greater or higher rate of fare than that prescribed by statute or by the railroad commission and to prescribe the period within which such action may be brought," approved Dec. 3, 1907.

Was read a third time, at length and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Haley	McDuffie
Altman	Henley	Peete
Arnold	Hughes	Pitts (Dallas)
Ballard (Autauga)	John	Pitts (Perry)
Ballard (Pike)	Johnson	Powell (Bullock)
Barton	Killen	Price
Benson	King	Pugh
Brown	Kirby	Rainer
Burney	Lacy (Walker)	Rice
Carmichael	Lee (Etowah)	Rowe
Coleman	Lee (Houston)	Rushton
Cooper	Lindsey	Sanders
Cranford	Long (Butler)	Sanford
Crum	Lyons	Seale
Cunningham	Malone	Sherrod
Doyle (Clarke)	Maner	Smith (Elmore)
Doyle (Marengo)	Mastin	Stollenwerck
Elrod	Mayfield	Tarrant
Fuller	Mitchell	Williams (Barbour)
Garner	Moore	Williams (Lee)
Glover	McCurdy	Wolf
Gunter		

—64

Nays:

Mr. Cannon.

—1

On motion of Mr. Long, of Butler, the bills, H. 11, H. 12, H. 14, H. 15, H. 16, H. 17, H. 18, H. 19 and H. 20 were ordered sent to the Senate forthwith without engrossment.

H. 240. To repeal so much of an act entitled "An act to provide for more efficient working of the public roads in Greene, Lowndes and Perry counties, and appointment of district road inspectors for Greene, Lowndes

and Perry counties, approved February 12, 1897, as relates to Lowndes county."

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pratt
Altman	Hoffman	Price
Arnold	Hughes	Pugh
Avery	Jenkins	Ralner
Barton	John	Rattray
Benners	Johnson	Rice
Benson	Killen	Rowe
Brown	King	Rushton
Burney	Kirby	Sanders
Cannon	Lawson	Sanford
Coleman	Lindsey	Seale
Cooper	Lyons	Sherrod
Cranford	Malone	Smith (Lee)
Crum	Mastin	Tarrant
Dudley	Mayfield	Tunstall
Edwards	Mitchell	Turner
Elrod	Moore	Vann
Fuller	McCurdy	Wittmeier
Garner	McDuffie	White (Lamar)
Glover	Pearson	Williams (Barbour)
Gunter	Peete	Woolf
Haley		

—64

H. 241. To repeal so much of an act entitled "An act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18th, 1899," as relates to Lowndes county.

Was read a third time, at length and passed.

Yeas, 64; naye, 0.

Yeas:

Messrs. Speaker	Barton	Cannon
Altman	Benners	Coleman
Arnold	Benson	Cooper
Avery	Brown	Crum
Ballard (Pike)	Burney	Doyle (Clarke)

Doyle (Marengo)	Lee (Etowan)	Rainer
Dudley	Lee (Houston)	Rice
Elrod	Long (Butler)	Rowe
Fuller	Lyons	Sanders
Garner	Malone	Sanford
Glover	Mayfield	Seale
Gunter	Mitchell	Sherrod
Haley	Moore	Smith (Elmore)
Henley	McCurdy	Smith (Lee)
Hughes	Pearson	Tarrant
Jenkins	Peete	Tunstall
John	Pitts (Dallas)	Turner
Johnson	Powell (Bullock)	Vann
Killen	Powell (Covington)	White (Lamar)
King	Price	Williams (Lee)
Lacy (Walker)	Pugh	Woolf
Lawson		

—64

H. 242. To repeal an act entitled "An act to secure better public roads and bridges in Lowndes county, approved February 17, 1885."

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Lyons
Altman	Fuller	Malone
Arnold	Garner	Maner
Avery	Glover	Mastin
Barton	Gunter	Mayfield
Benners	Haley	Mitchell
Benson	Hoffman	Moore
Brown	Hughes	McCurdy
Burney	Jenkins	Pearson
Cannon	John	Peete
Coleman	Johnson	Pitts (Dallas)
Cooper	Killen	Pitts (Perry)
Cranford	King	Pratt
Crum	Lawson	Price
Doyle (Marengo)	Lee (Barbour)	Pugh
Dudley	Lee (Houston)	Rainer
Edwards	Lindsey	Rice

Rowe	Smith (Elmore)	Vann
Rushton	Tarrant	White (Lamar)
Sanford	Turner	Williams (Lee)
Seale	Urquhart	Woolf
Sherrod		

—64

H. 258. To abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Hoffman	Pitts (Dallas)
Arnold	Hughes	Powell (Bullock)
Avery	Jenkins	Pratt
Barton	John	Price
Benners	Johnson	Pugh
Benson	Killen	Rainer
Brown	King	Rice
Bulger	Lacy (Walker)	Rowe
Burney	Lawson	Rushton
Cannon	Lindsey	Sanders
Coleman	Lyons	Sanford
Cooper	Malone	Seale
Cranford	Maner	Sherrod
Crum	Mastin	Smith (Lee)
Dudley	Mayfield	Tarrant
Elrod	Mitchell	Tunstall
Fuller	Moore	Turner
Garner	McCurdy	Urquhart
Glover	McDuffie	Vann
Gunter	Pearson	Wittmeler
Haley	Peete	Woolf
Henley		

—64

H. 110. (With substitute.) To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to

exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Local Legislation, said substitute being as follows:

Substitute for H. 110:

A bill to be entitled an act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Haven, Graymont, Elyton, West End, and a part of the territory now included within the cities or towns of North Birmingham, Pratt City, and Ensley, and other territory, and so as to exclude from the city of Birmingham, certain territory now included within the corporate limits of the said city of Birmingham.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Birmingham, in the county of Jefferson, and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said city, all that territory lying within the county of Jefferson, included within the boundaries herein set out, to wit:

Beginning at the southwest corner of section six, township eighteen south, range two west, which is a point on the present boundary line of the city of Birmingham, in Jefferson county, Alabama; thence running north along the west boundary line of said section to where the same intersects the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction across the southwest quarter of the southwest quarter of said section to a point in its north boundary where the east side of an alley in block eight hundred and fifty-four (854) of the Birmingham Realty Company's survey intersects the

north boundary line of the said quarter quarter section; thence east along said north boundary to the northeast corner of the southwest quarter of the southwest quarter of section six, aforesaid; thence south along the east boundary line of said subdivision to its intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction along the said right of way of said Birmingham Mineral railroad to a point where said right of way of said Birmingham Mineral railroad intersects with the east quarter section line of the west half of the northeast quarter of section twenty-seven, township seventeen south, range two west; thence in a straight line to the center of section twelve, township seventeen south, range two west; thence in a straight line to the southeast corner of the northeast quarter of the southeast quarter of section three, township seventeen south, range two west; thence in a straight line in a point where the north and south center line of section seventeen, township seventeen south, range two west, crosses the north boundary line of the right of way of the Birmingham Mineral railroad thence westward along the north boundary of said right of way of the said Birmingham Mineral railroad, to the western boundary of the northeast quarter of the southwest quarter of section eighteen, township seventeen south, range two west; thence in a straight line in a southwesterly direction to a point where the east line of 26th street intersects the north line of 23rd avenue; thence northwardly along the east line of said 26th street to a point where the same intersects the south line of 26th avenue, also called 10th avenue, thence east along the south line of said last named avenue to a point where the same intersects the east line of 27th street, also called 3rd street, thence north along the east line of said last named street to a point where the same intersects the south line of 28th avenue, also called 8th avenue, thence east along the south line of said last named avenue to a point where the same intersects the west line of the right of way of the Southern Railway Company, thence in a northwesterly direction along the west line of said right of way of said Southern Railway Company

to a point where the same intersects the south line of the north half of the northeast quarter of section fourteen, township seventeen south, range three west; thence in a straight line to the southeast corner of the northeast quarter of the northwest quarter of section fifteen, township seventeen south, range three west; thence south along the north, and south center line of said section fifteen, and along the north and south center line of section twenty-two of the township and range last of section twenty-two of the township and range last above mentioned to the center of said section twenty-two; thence west along the east and west center line of said section twenty-two to the northwest corner of the southwest quarter of said section twenty-two; thence south along the west boundary line of said section twenty-two to the southwest corner of said section twenty-two; thence west along the south boundary line of section twenty-one, township seventeen south, range three west, six hundred thirty-eight and eighty-eight hundredths feet; thence at an angle of eighty-eight degrees and thirteen minutes to the left; twenty-six hundred seventy-nine and seven-tenths feet; thence at an angle of ninety-one degrees and fifty-six and one-half minutes to the right; six hundred ninety-eight and sixty-eight hundredths feet to the northwest corner of the northeast quarter of the southeast quarter of section twenty-eight, township seventeen south, range three west; thence south along the east boundary line of the west half of the southeast quarter of said section twenty-eight; and also along the east boundary line of the northwest quarter of the northeast quarter of section thirty-three, township seventeen south, range three west, to the southeast corner of said last-named quarter quarter section; thence in a straight line to the southwest corner of said last named quarter quarter section; thence south in a straight line to the center of said section thirty-three; thence west along the north boundary line of the southeast quarter of said section thirty-three and also along the north boundary line of the northeast quarter of the southeast quarter of section thirty-two; township seventeen south, range three west, to the northwest corner of the said last named quarter quarter section;

thence north along the west boundary line of the east half of the northeast quarter of said section thirty-two to the center line of Village Creek; (thence westward along the centerline of Village Creek) to the west boundary line of the east half of the northwest quarter of said section thirty-two; thence north along said last named west boundary line and also along the west boundary line of the east half of the west half of section twenty-nine, township seventeen south, range three west to the northern boundary line of the right of way of the Birmingham Mineral railroad; thence eastward along the said northern boundary line of the said Birmingham Mineral railroad to the north and south center line of the northeast quarter of section twenty-nine; thence north along said north and south center line of said northeast quarter of said section twenty-nine, and also along the north and south center line of the southeast quarter of section twenty, township seventeen south, range three west to the north boundary line of the south half of said section twenty; thence west along the said north boundary line of said south half of said section twenty to the west line of said section twenty; thence south along said west line of said section twenty to the northeast corner of the southeast quarter of the northeast quarter of the southeast quarter of section nineteen, township seventeen south, range three west; thence in a straight line to the northwest corner of said last named quarter quarter section; thence in a straight line to the southwest corner of said last named quarter quarter quarter section; thence in a straight line to the southeast corner to the said last named quarter quarter quarter section; thence south along the east boundary line of said section nineteen, and also along the east boundary line of section thirty, township seventeen south, range three west, to an intersection with the center line of Coal Branch, thence in a southwesterly direction along said center line of said Coal Branch following the meanderings thereof through the west half of said last named section, township and range to an intersection with the east boundary line of the right of way of the Birmingham Southern Railway company;

thence in a southerly direction along said east boundary line of said Birmingham Southern Railway company to an intersection with the north boundary line of the right of way of what is now known as the Saint Louis and San Francisco railroad; thence in a southeasterly direction along said north boundary line of said right of way of said railroad to a point where said boundary line of said right of way of said railroad intersects the western boundary line of the east half of the southeast quarter of section thirty, township seventeen south, range three west; thence south along said western boundary line of said east half of the southeast quarter of said section thirty to the western boundary line of avenue "E" extended; thence in a southerly direction along said extension of said western boundary line of said avenue "E" and along the western boundary line of said avenue "E" to the northern boundary line of the city of Ensley as same existed on August 8th, 1907; thence in a southeasterly direction along the north boundary line of said city of Ensley and continuing along the north boundary line, the east boundary line, and the south boundary line of said city of Ensley as said boundary lines existed on August 8th, 1907, to where the said south boundary line of said city of Ensley, as same existed on August 8th, 1907, intersects the western boundary line of the southeast quarter of the southwest quarter of section six, township eighteen south, range three west; thence in a straight line to the southwest corner of said last named quarter quarter section; thence west along the south boundary line of said section six, and also along the south boundary line of section one, township eighteen south, range four west to the southwest corner of the southeast quarter of said section one; thence south along the north and south center line of section twelve, township eighteen south, range four west, to the south boundary line of said section twelve; thence east along the south boundary line of said section twelve, and also along the south boundary lines of sections seven, eight, nine, ten and eleven, township eighteen south, range three west, to an intersection with the north boundary line of the right of way of the Birmingham Mineral rail-

road; thence eastward along the north line of said right of way of said Birmingham Mineral railroad to the intersection of the south boundary line of section one, township eighteen south, range three west; thence east along the south line of said section one, township eighteen south, range three west, to the point of beginning.

Section 2. That the boundaries set out in section 1 of this act be, and the same are hereby established as the corporate limits of the said city of Birmingham, and the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Haven, Graymont, Elyton, and West End, together with such part or parts of the territory of the cities or towns of North Birmingham, Pratt City, and Ensley as are described in section one of this act, shall hereafter be and constitute a part of the city of Birmingham.

Section 3. This act shall not go into effect until October 1st, 1909.

Mr. Tarrant offered the following amendment to the substitute:

Amend the substitute as follows:

Strike out all of section 3, and insert in lieu thereof, the following:

Section 3. This act shall not go into effect and become a law until the same has been ratified and confirmed by a majority of the legal votes of the qualified electors residing within that part of the territory described in section 1 of this act, which is not included and embraced within the present corporate limits of the city of Birmingham, Alabama, and by a majority of the legal votes of the qualified electors residing within the present corporate limits of the said city of Birmingham, cast at an election hereinafter provided for; and unless a majority of the legal votes cast at said election in the territory not embraced and included within the present corporate limits of the said city of Birmingham, and a majority of the legal votes cast at said election in the territory embraced and included within the present corporate limits of the said city of Birmingham, each taken separately, shall be in favor of the ratification and confirma-

tion of this act, then this act shall be null and void, and of no effect, and shall not become effective or operative.

Further amend the bill by adding thereto section 4, as follows:

Section 4. That an election is hereby called and shall be held on the fourth Monday after the approval of this act by the Governor throughout the entire territory described in the first section of this act, to determine whether or not the same shall go into effect, and become a law, and at such election all the qualified electors residing within the territory described in section 1 hereof, shall be entitled to vote.

There shall be an official ballot furnished by the probate judge of Jefferson county, Alabama, which shall be substantially as follows:

OFFICIAL BALLOT.

Special Election held on Monday the_____ day of_____ A. D., 1909.

Shall an act of the Legislature entitled "An act (Here set out the caption of this act as finally passed). Approved by the Governor on the_____ day of_____ 1909 (Here set out the date of approval of said act) be ratified and confirmed and become a law?

____Yes.

____No.

Those favoring the ratification and confirmation of this act and favoring the same becoming a law, shall manifest the same by making a cross-mark, thus: X—either before or after the word "Yes" and those opposing the ratification and confirmation of this act, and opposing the same becoming a law, shall manifest the same by making a cross-mark, thus: X—either before or after the word "No."

If at said election, a majority of all the legal voters participating therein, residing in that part of the territory described in the first section of this act, which is

not embraced and included within the present corporate limits of the said city of Birmingham, Alabama, but which lies without the said present corporate limits of the said city of Birmingham, Alabama, and a majority of all the legal voters participating therein, residing in that part of the territory described in the first section of this act, which is embraced and included within the present corporate limits of the said city of Birmingham, shall vote in favor of the ratification and confirmation of this act, and in favor of the same becoming a law, then this act shall become in full force and effect and operative as a law, ten (10) days after the ascertainment and proclamation by the probate judge of Jefferson county, of the result of said election.

But if a majority of all the legal voters participating in said election residing in that part of the territory described in the first section of this act, which is not embraced and included within the present corporate limits of the said city of Birmingham, Alabama, but which lies without the said present corporate limits of the said city, and shall cast in favor of "No" on the said official ballot, then in no event and in no case shall this act become effective and operative and become a law.

If for any reason the election herein provided for shall not be held as herein provided, or if said section of this act providing for and authorizing said election shall be held illegal or invalid, then, in either of said events, this act shall be null and void and of no effect. The election herein provided for shall be held under the provisions of the general election laws of the State, as far as the same may be applicable; and except as herein modified or changed.

Contest of the said election and the result thereof may be held in the same time and in the same manner as now provided by law for contests for the office of justice of the peace.

Election booths and polling places shall be provided at each polling place in the present corporate limits of the city of Birmingham, and at each of the towns included within the territory described in section 1 of this act, and where there is no regular polling place in either of the said towns embraced within the boundaries as set

out in section 1 of this act, the same shall be designated by the probate judge of Jefferson county, Alabama. In the unincorporated territory described in the first section of this act, polling places shall be established when deemed necessary for the convenience of the electors residing therein, at such places as may be designated in such unincorporated territory or any part thereof, then the qualified electors therein shall vote at the nearest polling place to their residence not lying within the corporate limits of the said city of Birmingham, Alabama.

There shall be three managers, two clerks, and one returning officer of said election at each polling place, to be appointed by the probate judge of Jefferson county, Alabama, and it shall be the duty of the probate judge in selecting the said managers, clerks, and returning officers, to see as far as possible that those favoring and those opposing the ratification and confirmation of this act shall have representation at each polling place. The advocates of the ratification and confirmation of this act, and also those opposing the ratification and confirmation of this act, shall have the right to designate at each polling place, on the date of the election, a watcher, who may also act as challenger; and said watcher may remain in the polls until the ballots are counted and the returns signed by the officers of the said election. Within forty-eight hours from the time of the holding of the said election, it shall be the duty of the returning officer at each polling place to deliver the returns to the probate judge of Jefferson county, Alabama, and within five (5) days from the holding of the said election it shall be the duty of the probate judge to canvass the votes and returns of said election, and declare the result, acting in that respect as a canvassing board, under the general election laws of the State. And any person may be present as a watcher at the canvassing of said returns and declaring the result of said election by the probate judge. The probate judge of Jefferson county, shall give notice of the date of the holding of said election and of the places of voting, in case he should, in his discretion, designate or appoint any voting places in said territory in addition to the

1st. Said bill is in conflict with article 14, of the amendments to the Constitution of the United States, in that it confiscates property without due process of law.

2nd. Said bill is in conflict with section 45 of the Constitution of the State of Alabama, in that it contains more than one subject.

3rd. Said bill is in contravention of subdivision 18 of section 104 of the Constitution of the State of Alabama, in that the said bill amends and changes and extends the charter of the city of Birmingham, and by the same bill annuls the charter of several other cities and towns mentioned in said bill, other than the said city of Birmingham.

4th. It was never intended by the framers of our fundamental laws to permit or authorize any municipality to amend or extend its charter or its boundaries so as to embrace and include within the boundaries of such municipality, territory already embraced and included within other municipalities; and the exception permitting altering the boundaries of any city, was only intended to permit a city to straighten or rearrange its boundary lines in a reasonable manner, and said bill is for said reason violative of subdivision 18 of section 104 of the Constitution of the State of Alabama.

5th. There are general laws existing on the statute books of the State of Alabama, providing the means, method and manner by which municipalities may extend their boundaries, so as to take in and include within their corporate limits, outlying territory, and also providing for the consolidation of two or more municipalities and the bill under consideration being a local law, and legislating on a subject which is amply provided for by general laws, is directly in contravention of section 105 of the Constitution of the State of Alabama.

6th. Said bill is violative of section 107 of the Constitution of the State of Alabama, in that the said bill purports on its face and by implication, repeals the provisions of local laws incorporating the cities of Woodlawn, and West End, and other cities mentioned in said bill; but no notice of such intention to repeal said local laws was published, in the manner and in the time required by the Constitution of the State of Alabama.

regular voting places, by publication by three (3) insertions in some newspaper published in the city of Birmingham, Alabama, at least ten (10) days before the day of the holding of said election. Within thirty (30) days after the votes shall have been canvassed by the probate judge as herein provided and the result of said election by publication in some newspaper published in the city of Birmingham, Alabama, which publication shall be deemed and held to be the official ascertainment and promulgation of the result of the said election by the probate judge.

The managers, clerks, and returning officers of said election shall be entitled to the same compensation as managers, clerks, and returning officers of general elections. The expense of said election, including the publication in newspapers herein provided for, shall by the probate judge be apportioned against the said city of Birmingham and the other municipalities named in said act, and in which said election was held; and the said apportionment shall be a charge against the general fund of the said city or municipality and shall be paid out of the treasury of the said city or municipality.

All vacancies caused by failure or refusal of managers, clerks, or returning officers to serve, shall be filled in the same manner such vacancies are filled under the general election laws of the State.

On motion of Mr. King the amendment offered by Mr. Tarrant was laid upon the table.

PROTEST.

The following protest was, on motion of Mr. Tarrant, ordered spread upon the Journal:

PROTEST.

As a member of the Legislature of Alabama, I respectfully desire to protest against the passage of the bill under consideration, altering and rearranging the boundary lines of the city of Birmingham, Alabama, the same being House bill 110, for the following reasons:

7th. Said bill, if enacted into a law, would be invalid and of no effect, as not having been enacted in accordance and in compliance with the requirements of section 106 of the Constitution of the State of Alabama, in that the said bill was not advertised once (1) a week for four (4) consecutive weeks prior to its introduction in this Legislature, in a newspaper published in the city of Birmingham, or in Jefferson county, Alabama, nor was said bill posted for said length of time at five (5) different places in said county, prior to the introduction of same, as will appear from the affidavit of the secretary and business manager of the Ledger Publishing Company, which published the Birmingham Ledger, a newspaper in which said bill was advertised, which said affidavit is in words and figures as follows :

State of Alabama, }
 Jefferson County. }

Personally appeared before me the undersigned authority, T. B. Smith, who being first duly sworn, on oath says that he is the secretary and business manager of the Ledger Publishing Company. That "The Birmingham Ledger" is a daily newspaper published in the city of Birmingham, Jefferson county, State of Alabama, by the said Ledger Publishing Company. That the following notice was published in four issues of said Birmingham Ledger, viz.:

NOTICE.

Notice is hereby given that at the next special session of the Legislature of Alabama, which will convene in the city of Montgomery on the 27th day of July, 1909, a bill will be introduced for passage, the substance of which will be:

A bill to be entitled an act to alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City,

Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Birmingham, in the county of Jefferson and State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city, all that territory lying within the county of Jefferson included within the boundaries herein set out, to-wit:

Beginning at the southwest corner of section six, township eighteen, range two west, which is a point on the present boundary line of the city of Birmingham, in Jefferson county, Alabama; thence running north along the west boundary line of said section to where same intersects the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction across the southwest quarter of southwest quarter of said section to a point on its north boundary where the east side of an alley in block eight hundred and fifty-four (854) of the Birmingham Realty Company's survey intersects the north boundary line of said quarter quarter section; thence east along said north boundary to the northeast corner of the southwest quarter of southwest quarter of section six aforesaid; thence south along the east boundary line of said subdivision to its intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction along said right of way of said Birmingham Mineral railroad to a point where said right of way of said Birmingham Mineral railroad intersects with the east quarter section line of the west half of the northeast quarter of section twenty-seven, township seventeen, range two west; thence a straight line to the center of section twelve, township seventeen, south, range two west; thence in a straight line to the southeast corner of the northeast quarter of the southeast quarter of section three, township seventeen, range two west; thence in a straight line to a point where the north and south center line of sec-

tion seventeen, township seventeen, south, range two west, crosses the north boundary line of the right of way of the Birmingham Mineral railroad; thence westward along the north boundary of said right of way of the said Birmingham Mineral railroad to the western boundary of the northeast quarter of the southwest quarter of section eighteen, township seventeen, south, range two west; thence north to the southeast corner of the northwest quarter of the northwest quarter of section eighteen, township seventeen south, range two west; thence in a straight line to the southeast corner of the northeast quarter of the northwest quarter of section fifteen, township seventeen, range three west; thence in a straight line to the southwest corner of the southwest quarter of the southeast quarter of section fifteen, township seventeen, range three west; thence in a straight line along the south boundary line of said section fifteen to the southwest corner of the southeast quarter of the southwest quarter of said section fifteen; thence south in a straight line to the southwest corner of the northeast quarter of the northwest quarter of section twenty-two, township seventeen, range three west; thence west along the south boundary of said quarter section line to the southwest corner of the northwest quarter of the northwest quarter of said section twenty-two; thence south to the southwest corner of the southwest quarter of the northwest quarter of said section twenty-two; thence west in a straight line to the northwest corner of the southwest quarter of section nineteen, township seventeen, range three west; thence south in a straight line to the southwest corner of the northwest quarter of the southwest quarter of section thirty, township seventeen, range three west; thence east in a straight line to the northeast corner of the southeast quarter of the southwest quarter of said section thirty; thence south in a straight line to the west bound track of the Birmingham Mineral railroad; thence in a southeasterly direction along the west side of the west bound track of said Birmingham Mineral railroad until the same intersects with the south boundary line of section thirty-six, township seventeen, range four west; thence west along said south boundary line to the southwest

corner of the southwest quarter of the southeast quarter of said section; thence north in a straight line to the southwest corner of the northwest quarter of the southeast quarter of said section thirty-six; thence west in a straight line to the southwest corner of the northeast quarter of the southwest quarter of section thirty-five, township seventeen, range four west; thence south in a straight line to the southwest corner of the southeast quarter of the southwest quarter of section two, township eighteen, range four west; thence in a straight line east to the northwest corner of the northeast quarter of section twelve, township eighteen, south, range four west; thence south to the center of the south line of said section twelve, township eighteen south, range four west; thence east along the south boundary line of section twelve, township eighteen, south, range four west, and the south boundary lines of sections seven, eight, nine, ten and eleven, township eighteen, south, range three west, to an intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence eastward along the north line of said right of way of said Birmingham Mineral railroad to the intersection of the south boundary line of section one, township eighteen, south, range three west; thence east along the south line of said section one, township eighteen, south, range three west, to the point of beginning.

Sec. 2. That the boundaries set out in section one of this act be and the same are hereby established as the corporate limits of the said city of Birmingham, and the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, shall hereafter be and constitute a part of the city of Birmingham.

Sec. 3. This act shall not go into effect until October 1, 1909.

That said notice was published in the issues of said newspaper of dates the 7th, 14th, 21st, and 28th of July, 1909, and in no other issues. The first notice appeared in the issue of said paper of July 7th, 1909.

T. B. SMITH,
Secretary and Business Manager.

Sworn to and subscribed before me this the 4th day of August, 1909.

D. N. SMITH,
Notary Public.

And I desire to offer said proof of said advertisement to this Legislature and make the same a part of this protest.

8th. The affidavit of the notice and the publication of said bill which was attached to said bill at the time of its introduction in this Legislature, is too vague, indefinite, and uncertain as to the time and the date of the publication of said bill in this Legislature to intelligently form an idea of when the same was published, and of whether said bill was advertised for the length of time and in the manner required by the constitution of the State of Alabama, relative to the publication of local laws before the introduction of same in the Legislature.

9th. Said bill is wrong in principle and undemocratic in that by the provisions thereof, the identity and character of some eight or ten towns and cities are wiped out and eliminated without and against the consent of said municipalities, and the residents thereof.

And further because the people residing outside of the present corporate limits of the city of Birmingham were promised by all or nearly all of the representatives of Jefferson county and the Senator from Jefferson county, before their election, that they would not be taken into Birmingham arbitrarily, and without giving them an opportunity to vote on the question.

For these reasons I think the bill is wrong, detrimental and injurious to the people affected. And I respectfully enter this, my protest against the passage of same, as authorized and allowed by section 55 of the constitution of the State of Alabama, that the same may be entered as a part of the record and proceedings had upon the consideration and final passage of this bill.

FELIX I. TARRANT.

And the substitute as reported by the standing committee was adopted.

Yeas, 68; nays, 1.

Yeas :

Messrs. Speaker	Hoffman	Powell (Bullock)
Altman	Hughes	Powell (Covington)
Avery	Jenkins	Pratt
Benners	John	Rainer
Benson	Johnson	Rice
Bulger	Killen	Rowe
Burney	King	Rushton
Cannon	Lacy (Walker)	Sanders
Carmichael	Lawson	Sanford
Coleman	Lee (Etowah)	Seale
Cooper	Lee (Houston)	Sherrod
Cranford	Lindsey	Smith (Elmore)
Cunningham	Lyons	Smith (Lee)
Doyle (Marengo)	Malone	Stollenwerck
Dudley	Maner	Tunstall
Edwards	Mayfield	Turner
Elrod	Mitchell	Urquhart
Fuller	Moore	Vann
Garner	McDuffie	Wittmeier
Glover	Pearson	White (Lamar)
Gunter	Peete	Williams (Barbour)
Haley	Pitts (Dallas)	Wolf
Henley	Pitts (Perry)	

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Nays :

Mr. Tarrant.

—1

And the bill,

H. 110. To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

As amended by the substitute, was read a third time, at length and passed.

Yeas, 69; nays, 1.

Yeas:

Messrs. Speaker	Haley	Pitts (Dallas)
Altman	Henley	Pitts (Perry)
Arnold	Hoffman	Powell (Bullock)
Avery	Hughes	Powell (Covington)
Benners	Jenkins	Pratt
Benson	John	Price
Brown	Johnson	Rainer
Bulger	Killen	Rice
Burney	King	Rowe
Cannon	Lacy (Dallas)	Rushton
Carmichael	Lawson	Sanders
Coleman	Lee (Barbour)	Sanford
Cooper	Lee (Houston)	Seale
Cranford	Lindsey	Sherrod
Cunningham	Lyons	Smith (Elmore)
Doyle (Marengo)	Malone	Smith (Lee)
Dudley	Maner	Turner
Edwards	Mayfield	Urquhart
Elrod	Mitchell	Vann
Fuller	Moore	Wittieier
Garner	McCurdy	White (Lamar)
Glover	McDuffie	Williams (Barbour)
Gunter	Peete	Woolf

—69

Nays:

Mr. Tarrant.

—1

MESSAGE FROM THE SENATE.**Mr. Speaker:**

The Senate has originated and passed the following Senate bill:

S. 79. To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 79.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bill:

H. 21. To promote temperance and suppress the evils of intemperance, to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes or devices therefor; and to prohibit the manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and beverages, the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled Bills.

ADJOURNMENT.

On motion of Mr. Haley the House adjourned until 11 o'clock tomorrow morning.

ELEVENTH DAY.

House of Representatives,
MONTGOMERY, Ala., Tuesday, August 10th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. H. H. McNeal, of Mobile.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Cranford	Johnson
Alford	Crum	Jones
Altman	Cunningham	Killen
Arnoid	Doyle (Clarke)	King
Avery	Doyle (Marengo)	Kirby
Ballard (Autauga)	Dudley	Lacy (Walker)
Ballard (Pike)	Edwards	Lawson
Baltzell	Elrod	Lee (Barbour)
Barton	Fuller	Lee (Etowah)
Benners	Garner	Lee (Houston)
Benson	Glover	Lindsey
Brown	Gunter	Long (Butler)
Bulger	Haley	Long (Morgan)
Burney	Henley	Lyons
Cannon	Hoffman	Malone
Carmichael	Hughes	Maner
Coleman	Jenkins	Mastin
Cooper	John	Mayfield

Middleton	Pugh	Smith (Lee)
Mitchell	Ragsdale	Stollenwerck
Moore	Rainer	Tarrant
McCrory	Ratray	Thompson
McCurdy	Rice	Tunstall
McDuffie	Rowe	Turner
McMillan	Rushton	Urquhart
Pearson	Sample	Vann
Peete	Sanders	Wittmeier
Pitts (Dallas)	Sanford	White (Lamar)
Pitts (Perry)	Seale	Williams (Barbour)
Powell (Covington)	Sherrod	Williams (Lee)
Pratt	Smith (Elmore)	Woolf
Price		

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows: We have examined the Journal for the tenth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the tenth day was approved.

PRIVILEGES OF THE FLOOR.

Were granted to Judge Leslie, Hon. W. U. Acree, and Arthur Malone, of Houston; Hon. R. L. Johnson, of Talapoosa; Hon. L. E. Ellis, of Shelby; Hon. John Craft, of Mobile; Hon. W. M. Blount, of Union Springs; Hon. T. L. Bagby, of Calhoun; Hon. D. H. Riddle, of Coosa; Hon. Augustus Benners, of Jefferson; Hon. D. D. Askew, of Elmore; Hon. J. S. Carroll, of Troy; Mrs. M. C. Ragsdale, of Jefferson, and Hon. W. H. Samford, of Troy, for today.

RESOLUTION.

The following resolution was introduced and referred to the committee on Rules:

By Mr. Benners.

H. R. 47. Resolved, That H. 155 be made a special paramount and continuing order for Wednesday, August 11th, immediately after the call of counties.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on rules, returned to the House the following resolution with a favorable report and the resolution was adopted.

Rules Committee.

H. R. 48. Resolved, That the House for today remain in session until 6 o'clock p. m. and take a recess from one o'clock until 3 p. m.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 264. To fix the time of holding the circuit court in the third judicial circuit of the State of Alabama.

H. 275. To amend sections 3647 and 3648 of the Code of 1907.

H. 282. To define the jurisdiction of and to prevent the issuance of injunction by courts of equity in certain causes.

H. 292. To further regulate the fees of constables in the State of Alabama.

H. 304. To strengthen the credit of municipalities in this State and provide for the collection of enough money to pay the interest on the bonds of any municipality which fails to pay the interest due on any bond of the municipality.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 247. To amend an act entitled an act to amend section 5993 of the Code of Alabama. Approved November 23rd, 1907.

H. 277. To provide for the protection of secret orders, societies and fraternities.

H. 292. To regulate the construction and repair of fences where two or more parties own lands within a common enclosure.

H. 300. To amend section 3488 of the Code of Alabama of 1907.

H. 307. To repeal an act entitled an act "To provide a road law for the county of Marengo, and to enforce the same," approved February 26th, 1907.

H. 309. To amend section 3394 of the Code of Alabama, 1907.

H. 313. To provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county; to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 298. To amend an act entitled "An act to alter and rearrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31st, 1907.

H. 311. To repeal an act approved November 23, 1907, entitled "An act to provide for a license tax of one dollar on each dog over the age of three months kept in Russell county, Alabama, and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of pro-

bate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license."

H. 312. For the relief of T. J. Faris, county surveyor of Marion county, Alabama, by authorizing the payment of \$86.90 to him, the amount allowed by law to him as such county surveyor under section 3640 of the Code of 1896 for making the surveys and plats therein provided for in and for section 16, township 10, range 13, west, Marion county, Alabama, said work having been performed before the Code of 1907 became effective; to provide the manner of such payment and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said \$86.90 is concerned.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 271. To better secure the enforcement of the laws of the State, to prescribe duties of sheriffs and solicitors in the enforcement of laws and to authorize their impeachment for willful neglect of duty.

H. 289. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said towns and cities if the licensee violates said ordinances, and power to provide for the destruction of contraband liquors.

H. 294. To secure the better enforcement of the prohibitory liquor laws of the State, and to that end to authorize and require the treasurers of the several counties of this State to pay to the circuit or county solicitor or the solicitor of any other court of the county

which has jurisdictions of violations of the prohibitory liquor laws of the State, the sums herein named, from the county funds, to aid in the enforcement of the prohibitory liquor laws of the State.

H. 296. To amend section 572 of the Code of Alabama.

H. 301. To suppress gaming and gaming places.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 75. (With amendment.) To amend section 3549 of the Code of Alabama.

H. 76. (With amendment.) To provide a fund for the compensation and expenses of the assistant bank examiners.

Mr. Rushton, chairman of the standing committee on Banking and Insurance reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute.

S. 11. (With substitute.) To amend section 3542 of the Code of Alabama.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 91. To define and regulate fraternal beneficiary orders, associations or societies; to provide penalties and for other purposes.

H. 295. To amend section 1339 of the Code of Alabama.

H. 4. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523, and 7006 of the Code of Alabama 1907, and to repeal section 1514 of the Code of Alabama, 1907.

Mr. Lee, of Etowah, chairman of the standing committee on Education, reported that said committee in session had acted on the following bills and ordered

same returned to the House with a favorable report :

S. 70. To repeal sections 1720 and 1742 of the Code of Alabama, and to amend sections 1721, 1722, 1723, 1726, 1727 and 1741 of the Code of Alabama.

S. 80. To amend section 6 of an act approved July 17, 1907, entitled "An act to amend sections 6, 9, 10, 16, 17, 19 and 20 of an act entitled 'An act to provide for the redistricting of the public schools of the State and for the management and control of the same,' approved September 30, 1903.' "

Mr. Long, of Butler, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report :

H. 305. To require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report :

H. 291. For the incorporation of mutual co-operative societies or associations for farming and trucking purposes, and for the exemption of the same from all corporate taxation and licenses.

S. 56. To amend section 770 of the Code of Alabama, 1907.

Mr. Lyons, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report :

H. 159. To refund to the city of Tuscaloosa the mortgage tax paid by it on the deed of trust executed to secure the payment of the bonds of the city of Tuscaloosa issued for the purpose of buying the waterworks of the city of Tuscaloosa and extending the same.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 261. To perpetuate the United States government surveys of lands by remarking intelligently the section corners as located and witnessed by the United States surveys; and to further mark the corners of subdivisions of sections in an intelligent manner; and to provide markers, set the markers, record the old witnesses and new witnesses together with the date of survey.

H. 310. To amend section 2229 of the Code of 1907.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 243. To amend section 2361 of the Code of Alabama and to further define the business of horse dealers.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 25. To require all fire insurance companies transacting business in this State to report losses to the insurance department.

H. 26. To amend sections 4581 and 4582 of the Code of Alabama, 1907.

S. 13. To amend section 4591 of the Code of Alabama, 1907.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report.

H. 6. To authorize the larger cities of the State to adopt the commission form of government and to provide a system for such government.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 290. To encourage fruit, truck, general farming and dairying in the State of Alabama.

Mr. Lyons, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 233. To appropriate the sum of fifteen hundred dollars as additional appropriation for the use of the State normal school, at Daphne, Alabama.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Lee, of Barbour.

H. 316. To amend section 2082, Code 1907, by amending subsection 6 thereof, and by repealing subdivision 7, and subsections B to K inclusive thereunder.

Revision of Laws.

By Mr. Lee, of Barbour.

H. 317. To amend section 2082, Code 1907, by amending subsection 6 thereof, and by repealing subdivision 7, and the subsections B to K, both inclusive thereunder.

Revision of Laws.

By Mr. Wittmeier.

H. 318. To amend section 5778 of the Code.

Public Roads and Highways.

By Mr. Lacy, of Walker. (With notice and proof.)

H. 319. To repeal section 9 of "An act to establish the Walker county law and equity court," approved December 5th, 1900, as amended by section 2 of "An act (approved February 15, 1901) to amend sections eight, nine and twenty-six of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900."

Local Legislation.

Notice and proof H. 319:

NOTICE.

Notice is hereby given that a bill will be introduced at the next call or special session of the present Legislature of Alabama, in substance as follows:

A bill to be entitled an act to repeal section 9 of "An act to establish the Walker county law and equity court," approved December 5, 1900, as amended by section 2 of "An act (approved February 15, 1901) to amend sections eight, nine and twenty-six of an act entitled an act to establish the Walker county law and equity court, approved December 5, 1900."

Be it enacted as follows:

Section 1. That section 9 of an act approved December 5, 1900, to establish the Walker county law and equity court, as amended by section 2 of an act approved February 15, 1901, to amend sections 8, 9 and 26 of an act to establish the Walker county law and equity court, approved December 5, 1900, be and the same is hereby repealed.

The section 9, as amended, referred to above is as follows:

"Be it further enacted, That all criminal causes now or hereafter pending in the circuit court of Walker county shall at the request of the defendant, be at once transferred for trial to this court herein established, and that all civil causes now or hereafter pending in the circuit court of said county, must, on the agreement of the parties thereto in writing and filed in said cause be transferred for trial to this court herein established; and all causes now pending in the chancery court of said county, must, on an agreement in writing signed by all parties interested therein, and filed with the register in chancery, must be transferred to this court herein established."

W. C. DAVIS.

The State of Alabama, }
Walker County. }

Before me, Carrie A. McCollum, notary public in and for said State and county, this day personally appeared J. R. Gunter, who being by me duly sworn, depose and says that he is the editor and publisher of the Mountain Eagle, a newspaper published at Jasper in Walker county, Alabama, and that he was such editor and publisher on, towit, the 7th day of July, 1909, and has continuously been such since that date. Affiant further says that the notice, a copy of which is attached to this affidavit and made a part thereof, was published in the said Mountain Eagle, a newspaper published at Jasper, in Walker county, Alabama, as aforesaid, once a week for four consecutive weeks, commencing on towit, the 7th day of July, 1909.

J. R. GUNTER.

Sworn to and subscribed before me on this 31st day of July, 1909.

CARRIE A. MCCOLLUM,

Notary Public.

By Mr. Moore. (With notice and proof.)

H. 320. To amend section 14 of No. 88, H. 338, approved the 26th day of February, 1907, to provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same, to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road

duty, the time they may be required to work, describing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Local Legislation.

Notice and proof H. 320 :

NOTICE.

State of Alabama, }
St. Clair County. }

At a special session of the Legislature called to meet July 27th, 1909, there will be presented a bill to amend section 14 of an act known as House bill 338 to provide for the maintenance, etc., of the public roads in St. Clair county. Said amendment will provide for changing the age of those persons liable for road duty from 18 to 50 to 18 to 45 years of age.

SUMTER COGSWELL.

Pell City, Ala., July 15, 1909.

State of Alabama, }
County of St. Clair. }

Personally appeared before me, Bays D. Cather, one of the firm of Progress Printing Co., publishers of a weekly newspaper under the style of "Pell City Progress," and known to me, who being sworn, deposes and says that the advertisement of the bill to amend sec. 14 of an act known as House bill 338, in words and language as hereto attached below, was published in the said Pell City Progress once a week for four consecutive weeks as follows: July 15th, 22nd, 29th, and August 5th, all in the year 1909.

BAYS D. CATHER, Manager.

In witness whereof I have hereunto affixed my hand and seal this July 9, 1909.

CHAS. P. PRATT,

Notary Public, St. Clair County.

By Mr. Mitchell.

H. 321. To better define money lent, solvent credits, or credits of value so as to include such as are secured by mortgage, deed of trust, or written contract of con-

ditional sale, upon which a tax is imposed by law and paid at the time such instrument is filed for record provided the amount of such privilege tax shall be deducted from the amount of such instrument at the first assessment of such instrument so recorded and to repeal all laws and parts of laws in conflict with the provisions of this act.

Judiciary.

By Mr. Pitts, of Perry.

H. 322. To further regulate the buying and selling of cotton seed and seed cotton, and to require public ginners, cotton seed oil mills and other purchasers to keep a register of all purchases, giving the date and place of sale and from whence the cotton and seed came and where it was raised.

Agriculture.

By Mr. Price.

H. 323. To amend section 3322 of the Code of 1907.

Local Legislation.

By Mr. Fuller.

H. 324. To prescribe the restrictions and conditions under which regular practicing physicians who are retail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act, and for other violations thereof.

Temperance.

BILLS ON THIRD READING.

S. 89. To provide for the holding of two terms each year of the circuit court of Marshall county at Albertville, to provide for the jurisdiction thereof and to regulate proceedings therein.

Was read a third time at length, and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs. Speaker

Alford

Altman

Arnold

Avery

Ballard (Autauga)

Ballard (Pike)

Barton

Benness

Benson

Burney

Cannon

Carmichael

Coleman

Cooper

Cranford	Lawson	Pugh
Crum	Lee (Barbour)	Ragsdale
Cunningham	Lindsey	Rainer
Doyle (Clarke)	Long (Butler)	Ratray
Edwards	Long (Morgan)	Rice
Elrod	Malone	Rowe
Fuller	Maner	Rushton
Garner	Mastin	Sample
Glover	Mayfield	Sanders
Haley	Mitchell	Sanford
Henley	Moore	Seale
Hughes	McCrory	Sherrod
Jenkins	McCurdy	Smith (Lee)
John	McMillan	Urquhart
Johnson	Peete	Vann
Killen	White (Perry)	White (Lamar)
King	Powell (Covington)	Williams (Barbour)
Kirby	Pratt	Woolf
Lacy (Dallas)	Price	

—71

H. 161. To amend section 1989 of the Code of Alabama.

Was read a third time at length, and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs. Speaker	Cranford	Killen
Alford	Crum	Kirby
Altman	Cunningham	Lacy (Walker)
Arnold	Doyle (Clarke)	Lawson
Avery	Doyle (Marengo)	Lee (Barbour)
Ballard (Autauga)	Dudley	Lee (Etowah)
Ballard (Pike)	Edwards	Lindsey
Barton	Elrod	Lyons
Benners	Fuller	Malone
Benson	Garner	Mastin
Brown	Glover	Mayfield
Burney	Gunter	Mitchell
Cannon	Haley	Moore
Carmichael	Hughes	McCrory
Coleman	John	McDuffie
Cooper	Johnson	Pearson

Peete	Rainer	Smith (Lee)
Pitts (Dallas)	Ratray	Stollenwerck
White (Perry)	Rice	Tarrant
Powell (Covington)	Rowe	Tunstall
Pratt	Rushton	Williams (Barbour)
Price	Sample	Williams (Lee)
Pugh	Sanders	Woolf
Ragsdale	Sherrod	

—71

H. 284. To authorize and require the faculty of the State high school of Winston county, Alabama, to include the regular seventh grade of the public schools in its curriculum for the next five years.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pitts (Dallas)
Altman	Hughes	Pratt
Arnold	Jenkins	Price
Baltzell	John	Pugh
Barton	Jones	Rainer
Benson	Killen	Ratray
Bloch	King	Rice
Brown	Kirby	Rowe
Bulger	Lacy (Walker)	Sample
Burney	Lawson	Sanders
Cannon	Lindsey	Sanford
Coleman	Lyons	Seale
Cooper	Malone	Sherrod
Cranford	Maner	Smith (Elmore)
Crum	Mastin	Smith (Lee)
Duiey	Mayfield	Tarrant
Elrod	Mitchell	Tunstall
Fuller	Moore	Turner
Garner	McDuffie	Urquhart
Glover	Pearson	Vann
Gunter	Peete	Woolf
Haley		

—64

H. 279. To amend section 1867 of the Code of Alabama of 1907.

Was read a third time at length, and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs. Speaker	Garner	Powell (Covington)
Alford	Glover	Pratt
Altman	Gunter	Price
Arnold	Haley	Pugh
Avery	Hoffman	Ragsdale
Ballard (Autauga)	Johnson	Rainer
Ballard (Pike)	King	Rice
Bartou	Kirby	Rowe
Benners	Lacy (Walker)	Rushton
Benson	Lawson	Sample
Brown	Lee (Etowah)	Sanford
Cannon	Lindsey	Sherrod
Carmichael	Maner	Smith (Elmore)
Coleman	Mastin	Smith (Lee)
Cooper	Mayfield	Stollenwerck
Cranford	Mitchell	Tarrant
Crum	Moore	Turner
Cunningham	McCrory	Vann
Doyle (Clarke)	McCurdy	Wittmeier
Doyle (Marengo)	Oliver	White (Lamar)
Edwards	Pearson	Williams (Lee)
Elrod	Peete	Woolf
Fuller	Pitts (Perry)	

—68

On motion of Mr. Kirby, the bill, H. 229, was ordered sent forthwith to the Senate without engrossment.

S. 91. To amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor. Approved February 6th, 1895.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Barton	Caunon
Alford	Benson	Coleman
Arnold	Brown	Cooper
Avery	Bulger	Crum
Baltzell	Burney	Dudley

Edwards	Lawson	Rice
Elrod	Lee (Barbour)	Rowe
Fuller	Lindsey	Sample
Garner	Long (Morgan)	Sanders
Glover	Lyons	Sanford
Gunter	Maner	Seale
Haley	Mastin	Sherrod
Henley	Moore	Smith (Lee)
Hughes	McDuffie	Tarrant
Jenkins	Pearson	Tunstall
John	Peete	Turner
Johnson	Pitts (Dallas)	Urquhart
Jones	Pratt	Vann
Killen	Price	White (Lamar)
King	Pugh	Williams (Barbour)
Kirby	Rainer	Woolf
Lacy (Walker)		

—64

H. 157. To amend sections 51 and 52 of the Political Code of 1907.

Was read a third time at length, and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs. Speaker	John	Pratt
Altman	Johnson	Price
Arnold	King	Ragsdale
Avery	Lawson	Rainer
Ballard (Autauga)	Lee (Barbour)	Rattray
Ballard (Pike)	Lee (Houston)	Rice
Barton	Lindsey	Rowe
Benners	Long (Butler)	Rushton
Carmichael	Long (Morgan)	Sample
Cooper	Malone	Sanders
Cunningham	Maner	Sanford
Doyle (Marengo)	Mayfield	Sherrod
Edwards	Mitchell	Smith (Elmore)
Elrod	Moore	Smith (Lee)
Fuller	McCrory	Stollenwerck
Garner	McDuffie	Vann
Glover	Pearson	White (Lamar)
Gunter	Pitts (Perry)	Williams (Barbour)
Haley	Peete	Williams (Lee)
Hoffman	Powell (Covington)	

—59

S. 30. To amend section 3046 of the Code of 1907.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	John	Rattray
Arnold	Jones	Rice
Ballard (Autauga)	Killen	Rowe
Baltzell	King	Rushton
Benners	Kirby	Sample
Brown	Lacy (Walker)	Sanders
Bulger	Lawson	Sanford
Burney	Lee (Houston)	Seale
Cannon	Lyons	Sherrod
Cooper	Malone	Smith (Elmore)
Cranford	Maner	Smith (Lee)
Crum	Mastin	Tarrant
Dudley	Moore	Tunstall
Elrod	McMillan	Turner
Fuller	Pearson	Urquhart
Garner	Peete	Vann
Glover	Pitts (Dallas)	Wittmeier
Gunter	Powell (Bullock)	White (Lamar)
Haley	Pratt	Williams (Barbour)
Henley	Price	Williams (Lee)
Hughes	Pugh	Woolf
Jenkins		

—64

H. 149. To appropriate an additional sum of twelve thousand dollars (\$12,000.00) for public printing and binding for the fiscal year ending September 30th, 1909, and to appropriate the additional sum of ten thousand dollars (\$10,000.00) for public printing and binding for fiscal year ending September 30th, 1910.

Was read a third time at length, and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs. Speaker	Ballard (Pike)	Burney
Altman	Barton	Carmichael
Arnold	Benners	Cooper
Avery	Brown	Crum
Ballard (Autauga)	Bulger	Cunningham

Doyle (Clarke)	Lindsey	Ragsdale
Doyle (Marengo)	Long (Butler)	Rainer
Edwards	Long (Morgan)	Rattray
Elrod	Lyons	Rowe
Fuller	Malone	Rushton
Garner	Maner	Sanders
Glover	Mayfield	Sherrod
Gunter	Mitchell	Smith (Elmore)
Haley	Moore	Smith (Lee)
Henley	McCrary	Stollenwerck
Hughes	McCurdy	Tunstall
Jenkins	McDuffie	Turner
John	Peete	Urquhart
Johnson	Pitts (Dallas)	Wittmeier
Kirby	Pitts (Perry)	White (Lamar)
Lacy (Walker)	Powell (Covington)	Williams (Barbour)
Lawson	Pratt	Williams (Lee)
Lee (Barbour)	Price	Wolf
Lee (Houston)	Pugh	

—71

On motion of Mr. Benners the bill, H. 149, was ordered sent to the Senate without engrossment.

H. 150. To amend section 1650 of the Code of 1907.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Cunningham	Lacy (Walker)
Altman	Doyle (Clarke)	Lawson
Arnold	Doyle (Marengo)	Lee (Barbour)
Avery	Edwards	Lee (Houston)
Ballard (Autauga)	Elrod	Lindsey
Ballard (Pike)	Fuller	Lyons
Barton	Glover	Malone
Benners	Gunter	Maner
Benson	Haley	Mastin
Brown	Henley	Mayfield
Bulger	Hughes	Mitchell
Burney	Jenkins	Moore
Carmichael	John	McCrary
Cooper	Killen	Oliver
Cranford	King	Pearson

Peete	Rattray	Stollenwerck
Pitts (Dallas)	Rowe	Tarrant
Pitts (Perry)	Rushton	Turner
Powell (Covington)	Sanders	Urquhart
Pugh	Sanford	White (Lamar)
Ragsdale	Sherrod	Williams (Lee)
Rainer		

—64

On motion of Mr. Benners the bill, H. 150, was ordered sent forthwith to the Senate without engrossment.

H. 278. To amend an act entitled "An act for the improvement of the public roads of Lowndes county, approved August 2, 1907, by repealing sections one, two, three, four, five, six and seven of said act.

Was read a third time at length, and passed.

Yeas 64; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Price
Alford	Jenkins	Pugh
Arnold	John	Ragsdale
Avery	Johnson	Rainer
Baltzell	Jones	Rattray
Barton	Killen	Rice
Benson	King	Rowe
Brown	Kirby	Sample
Bulger	Lawson	Sanders
Burney	Lyons	Sanford
Cannon	Malone	Seale
Coleman	Maner	Sherrod
Cooper	Mastin	Smith (Elmore)
Crum	Moore	Tarrant
Dudley	McCurdy	Tunstall
Elrod	McDuffie	Turner
Fuller	Pearson	Urquhart
Garner	Peete	Vann
Glover	Pitts (Dallas)	White (Lamar)
Gunter	Powell (Bullock)	Williams (Barbour)
Haley	Pratt	Woolf
Henley		

—64

On motion of Mr. McCurdy the bill H. 278, was ordered sent to the Senate without engrossment.

S. 23. To amend section 3487 of the Code of Alabama (1907).

Was read a third time at length, and passed.

Yeas, 65; nays, 12.

Yeas:

Messrs. Speaker	Henley	Pitts (Perry)
Alford	Jenkins	Pugh
Avery	Jones	Ragsdale
Ballard (Autauga)	King	Rainer
Barton	Kirby	Rattray
Benmers	Lacy (Walker)	Rice
Benson	Lawson	Rowe
Brown	Lee (Houston)	Rushton
Bulger	Lindsey	Sanders
Burney	Malone	Sanford
Carmichael	Maner	Seale
Coleman	Mastin	Smith (Elmore)
Cranford	Mayfield	Smith (Lee)
Crum	Mitchell	Stollenwerck
Cunningham	Moore	Tarrant
Doyle (Clarke)	McCrary	Tunstall
Doyle (Marengo)	McCurdy	Urquhart
Dudley	McDuffie	Wittmeier
Edwards	Oliver	White (Lamar)
Garner	Pearson	Williams (Barbour)
Glover	Peete	Woolf
Gunter	Pitts (Dallas)	

—65

Nays:

Calhoun	John	Lee (Etowah)
Elrod	Johnson	Long (Morgan)
Fuller	Killen	Sherrod
Haley	Lee (Barbour)	Williams (Lee)

—12

Mr. Lacy, of Walker, moved to reconsider the vote by which the Bill, S. 23, was passed and the motion was lost.

H. 65. To provide for license tax of one dollar on each dog over the age of three months kept in the State of Alabama; to authorize the collection of the same, and the issuance of license; to prescribe penalties for the

violation of provisions of said act, and disposition of fines collected therefor and for the disposition of the license taxes.

Was taken up. Mr. Fuller offered the following amendment to the bill:

“Amend by adding Sec. 11½. Each family or householder in the State of Alabama, may own or keep one dog which shall be exempt from the provisions of this act”.

Mr. Mastin moved to table the amendment offered by Mr. Fuller, and the motion to table prevailed.

And the bill,

H. 65. To provide for license tax of one dollar on each dog over the age of three months kept in the State of Alabama; to authorize the collection of the same, and the issuance of license; to prescribe penalties for the violation of provisions of said act, and disposition of fines collected therefor and for the disposition of the license taxes.

Was read a third time at length, and lost.

Yeas, 38; nays, 44.

Yeas:

Messrs.

Alford	John	Peete
Altman	Jones	Pitts (Dallas)
Arrington	King	Pratt
Avery	Lacy (Walker)	Rainer
Benners	Long (Butler)	Rowe
Burney	Lyons	Seale
Cranford	Malone	Stollenwerck
Edwards	Maner	Thompson
Glover	Mastin	Wittmeier
Gunter	Middleton	White (Lamar)
Henley	Moore	Williams (Lee)
Hughes	McCrory	Woolf
Jenkins	Pearson	

—38

Nays:

Messrs. Speaker	Ballard (Pike)	Bulger
Arnold	Barton	Cannon
Ballard (Autauga)	Benson	Carmichael

Coleman	Kirby	Pugh
Crum	Lee (Barbour)	Ragsdale
Cunningham	Lee (Etowah)	Rattray
Doyle (Clarke)	Lee (Houston)	Rice
Doyle (Marengo)	Lindsey	Rushton
Dudley	Long (Morgan)	Sample
Elrod	Mayfield	Sherrod
Fuller	Mitchell	Smith (Elmore)
Garner	McCurdy	Tarrant
Haley	McDuffie	Tunstall
Johnson	Pitts (Perry)	Williams (Barbour)
Killen	Powell (Covington)	

—44

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted :

H. J. R. 7. Relative to income tax amendment to constitution of United States,

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bills :

S. 36. Regulating the hearing of objections because of multifariousness or misjoinder to bills or petitions in equity ; providing for amendment or voluntary dismissal of bills or petitions, after the objection shall have been sustained, and for a renewal of the suit or petition, or the part thereof held to be multifarious or to be misjoined, so as that the renewal or renewals made in accordance with the terms of the act shall be part or parts of the lis pendens of the original suit or petition, and shall not be barred by any statute of limitations, rules of repose or of prescription or defense of laches, if said statute, rule or defense was not a bar to the original suit or petition.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 36.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 110. To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

H. 240. To repeal so much of an act entitled "An act to provide for more efficient working of the public roads in Greene, Lowndes and Perry counties, and appointment of district road inspectors for Greene, Lowndes and Perry counties, approved February 12, 1897, as relates to Lowndes county."

H. 241. To repeal so much of an act entitled "An act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18, 1899," as relates to Lowndes county.

H. 242. To repeal an act entitled "An act to secure better public roads and bridges in Lowndes county, approved February 17, 1885."

H. 258. To abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

H. 260. To rearrange the boundaries of the town of Oxford, Calhoun county, Alabama.

ERNEST LACY, Chairman.

And the report of the standing committee on En-grossed Bills was concurred in.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. M. S. Carmichael, of Elba, for this afternoon.

RESOLUTIONS.

The following resolutions were introduced and referred to the standing committee on Rules:

By Mr. John.

H. R. 49. Resolved, That after Thursday, August 12, 1909, the call of counties for the introduction of bills shall be suspended, and thereafter no bills shall be introduced.

By Mr. Glover.

H. R. 50. Resolved, That House 210 be made a special, paramount and continuing order of business for Thursday, August 12th, 1909, next after the report of standing committees.

By Mr. Rushton.

H. R. 51. Resolved, That House 262 and H. 263 be made a special, continuing, paramount order for Wednesday morning and immediately after the report of standing committees.

By Mr. John.

H. R. 52. Resolved, That no local bill shall be called during the morning session of the House.

By Mr. Henley.

H. R. 53. Resolved, That at the afternoon session of each day the call of the counties be made. At this call the member can call up either a general or a local bill.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with substitute.

H. 248. (With substitute.) To provide for the return to the county whence committed, of all insane patients in the insane hospitals, who are incurably insane and harmless, and where the county has not made proper provision for caring for them, to require the county to pay for the maintenance of such patients.

H. 266. (With substitute.) To amend section 6262 of the Code of Alabama.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 225. (With amendment.) To amend section 4764 of the Code of Alabama.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS ON THIRD READING.

H. 281. To establish a county court for the county of Shelby.

Was read a third time at length, and passed.

Yeas, 60; nays, 2.

Yeas:

Messrs. Speaker	Bloch	Elrod
Alford	Brown	Fuller
Altman	Bulger	Garner
Arnold	Burney	Gunter
Arrington	Cannon	Haley
Avery	Ccleman	Henley
Baltzell	Cooper	Hughes
Benners	Crum	John
Benson	Edwards	Johnson

Jones	McMillan	Rowe
King	Norville	Rushton
Kirby	Oliver	Sample
Lawson	Parker	Sanford
Lindsey	Pearson	Sherrod
Lyons	Peete	Tarrant
Malone	Pitts (Dallas)	Thompson
Maner	Pratt	Tunstall
Mastin	Pugh	Turner
Mitchell	Rainer	Vann
Moore	Rice	Woolf

—60

Nays:

Messrs.

Rattray

Sanders

—2

H. 280. To abolish the county court of Shelby county of which the judge of probate is ex-officio the judge, and to provide for the transfer of all cases pending in said abolished court to the county court of Shelby county established by this special session of the Legislature.

Was read a third time at length, and passed.

Yeas, 57; nays, 3.

Yeas:

Messrs. Speaker	Hughes	Pitts (Dallas)
Altman	Jenkins	Pitts (Perry)
Avery	John	Powell (Covington)
Ballard (Autauga)	Johnson	Pratt
Ballard (Pike)	Jones	Price
Benners	Killen	Pugh
Benson	Kirby	Rice
Brown	Lacy (Walker)	Rushton
Burney	Lawson	Sanders
Cannon	Lee (Houston)	Sanford
Carmichael	Lindsey	Seale
Coleman	Malone	Sherrod
Cooper	Mayfield	Smith (Lee)
Crum	Mitchell	Stollenwerck
Cunningham	Moore	Tarrant
Fuller	McCrory	Turner
Garner	McCurdy	Wittmeier
Glover	McDuffie	White (Lamar)
Henley	Pearson	Williams (Lee)

—57

Nays:

Messrs.

Barton

Middleton

Rattray

—3

On motion of Mr. Pearson the bills, H. 280 and H. 281 were ordered sent to the Senate without engrossment.

H. 211. To amend section 3613 of the Code of Alabama of 1907.

Was read a third time at length, and passed.

Yeas, 54; nays, 0.

Yeas:

Messrs. Speaker	Gunter	Pitts (Dallas)
Alford	Haley	Powell (Covington)
Altman	Jenkins	Pratt
Ballard (Autauga)	John	Price
Ballard (Pike)	Jones	Pugh
Benson	Killen	Rice
Brown	Lacy (Walker)	Rushton
Burney	Lee (Houston)	Sanders
Carmichael	Lindsey	Seale
Coleman	Mastin	Sherrod
Cooper	Malone	Smith (Elmore)
Crum	Mayfield	Smith (Lee)
Cunningham	Mitchell	Stollenwerck
Doyle (Clarke)	Moore	Tarrant
Edwards	McCrory	Turner
Fuller	McDuffie	Wittmeier
Garner	Pearson	White (Lamar)
Glover	Peete	Williams (Lee)

—54

On motion of Mr. Stollenwerck the bill, H. 211, was ordered sent forthwith to the Senate without engrossment.

S. 42. To amend section 3374 of the Code of Alabama.

Was taken up. Mr. Lee, of Houston, offered the following amendment to the bill:

Amend by adding immediately after the last word in section one of the bill, the following words, to wit: "Unless the reputed maker is in bona fide possession of the property, and makes and files an affidavit that the said conveyance is a forgery. Provided that the provi-

sions of this act shall not apply to any case now pending, which was brought since the Code of 1907 became operative and before the passage and approval of this act."

And the amendment was adopted.

Yeas, 61; nays, 0.

Yeas:

Messrs. Speaker	Henley	Powell (Covington)
Altman	Hughes	Pratt
Avery	Jenkins	Price
Ballard (Autauga)	John	Pugh
Ballard (Pike)	Jones	Rainer
Barton	Killen	Rattray
Benners	Lacy (Walker)	Rice
Benson	Lee (Etowah)	Rushton
Brown	Lee (Houston)	Sanders
Burney	Lindsey	Sanford
Carmichael	Malone	Smith (Elmore)
Cooper	Mayfield	Smith (Lee)
Crum	Mitchell	Stollenwerck
Cunningham	Moore	Tarrant
Doyle (Marengo)	McCrory	Tunstall
Edwards	McCurdy	Turner
Fuller	McDuffie	Vann
Garner	Pearson	Wittmeier
Glover	Peete	White (Lamar)
Gunter	Pitts (Dallas)	Williams (Lee)
Haley		

—61

And the bill,

S. 42. To amend section 3374 of the Code of Alabama.

As amended,

Was read a third time at length, and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs. Speaker	Benners	Cooper
Altman	Benson	Crum
Avery	Brown	Cunningham
Ballard (Autauga)	Burney	Edwards
Ballard (Pike)	Carmichael	Fuller
Barton	Coleman	Garner

Glover	Mayfield	Sample
Gunter	Mitchell	Sanders
Haley	Moore	Sanford
Henley	McCrory	Sherrod
Hughes	McCurdy	Smith (Elmore)
Jenkins	McDuffie	Smith (Lee)
John	Pearson	Stollenwerck
Johnson	Peete	Tarrant
Jones	Pitts (Dallas)	Tunstall
King	Pratt	Turner
Lacy (Walker)	Price	Wittmeier
Lee (Houston)	Rainer	White (Lamar)
Lindsey	Ratray	Williams (Lee)
Malone	Rushton	

—59

H. 30. To prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for violations of the terms of this act under affidavit and warrant or information, and without indictment.

Was read a third time at length, and passed.

Yeas, 44; nays, 17.

Yeas:

Messrs. Speaker	Cunningham	King
Alford	Doyle (Marengo)	Lacy (Walker)
Avery	Edwards	Lee (Houston)
Barton	Garner	Lindsey
Benners	Glover	Mayfield
Brown	Gunter	Moore
Carmichael	Haley	McCurdy
Coleman	Hoffman	McDuffie
Cooper	John	McMillan

Pearson	Rowe	Tarrant
Peete	Rushton	Tunstall
Pitts (Dallas)	Sanders	Vann
Price	Sanford	Wittmeier
Pugh	Smith (Lee)	White (Lamar)
Rainer	Stollenwerck	

—44

Nays:

Messrs.

Altman	Hughes	Pratt
Ballard (Autauga)	Jones	Sherrod
Ballard (Pike)	Lee (Barbour)	Smith (Etowah)
Benson	Malone	Williams (Lee)
Elrod	Middleton	Woolf
Fuller	Powell (Covington)	

—17

And on motion of Mr. Garner the bill, H. 30, was ordered sent to the Senate without engrossment.

H. 163. To repeal an act entitled an act to constitute a board of jury commissioners for Choctaw county, approved February 28, 1907.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Cranford	Kirby
Alford	Crum	Lancaster
Altman	Dudley	Lawson
Arnold	Edwards	Lindsey
Arrington	Elrod	Lyons
Avery	Fuller	Malone
Baltzell	Garner	Mayfield
Barton	Glover	Mitchell
Benners	Gunter	Moore
Benson	Haley	Norville
Brown	Henley	Oliver
Bulger	Hughes	Parker
Burney	John	Pearson
Cannon	Jones	Peete
Coleman	Killen	Pratt
Cooper	King	Price

Pugh	Sample	Turner
Rainer	Seale	Urquhart
Rattray	Sherrod	Vann
Rice	Tarrant	Wittmeier
Rowe	Tunstall	Woolf
Rushton		

—64

H. 166. To amend section 859 of the Code of Alabama.
Was read a third time at length, and passed.

Yeas, 61; nays, 2.

Yeas:

Messrs. Speaker	Jenkins	Powell (Covington)
Altman	John	Pratt
Avery	Jones	Price
Ballard (Autauga)	Killen	Pugh
Ballard (Pike)	King	Rattray
Barton	Kirby	Rice
Benners	Lawson	Rowe
Burney	Lee (Barbour)	Rushton
Cannon	Lee (Etowah)	Sanders
Carmichael	Lee (Houston)	Sanford
Coleman	Lindsey	Sherrod
Cooper	Malone	Smith (Lee)
Cranford	Mayfield	Stollenwerck
Crum	Mitchell	Tarrant
Cunningham	Moore	Turner
Doyle (Clarke)	McCrory	Vann
Doyle (Marengo)	McDuffie	Wittmeier
Edwards	Pearson	White (Lamar)
Haley	Peete	Williams (Lee)
Henley	Pitts (Dallas)	Woolf
Hughes		

—61

Nays:

Messrs.

Elrod	Hoffman
-------	---------

—2

H. 174. To amend section 1863 of the Code.
Was read a third time at length, and passed.
Yeas, 43; nays, 13.

Yeas:

Messrs. Speaker	Garner	Mitchell
Alford	Glover	Peete
Altman	Hoffman	Pitts (Perry)
Avery	Hughes	Price
Ballard (Autauga)	Jenkins	Pugh
Ballard (Pike)	John	Rowe
Benners	Jones	Rushton
Burney	King	Smith (Lee)
Cannon	Kirby	Stollenwerck
Carmichael	Lacy (Walker)	Tarrant
Cooper	Lawson	Tunstall
Cranford	Lee (Houston)	Turner
Crum	Malone	Williams (Barbour)
Doyle (Clarke)	Mayfield	Woolf
Doyle (Marengo)		

—43

Nays:**Messrs.**

Barton	Henley	Pratt
Cunningham	Lindsey	Sample
Edwards	McMillan	Sherrod
Elrod	Pitts (Dallas)	Vann
Gunter		

—13

H .95. To authorize a certified copy of a decree rendered by a court of competent jurisdiction of another State, relieving a non-resident minor of the disabilities of non-age, to be recorded in the probate office of any county in this State where such miner owns property, and when so recorded the said decree to have the same force and effect in this State as in the State where rendered.

Was read a third time at length, and passed.

Yeas, 60; nays, 1.

Yeas:

Messrs. Speaker	Burney	Cunningham
Altman	Cannon	Doyle (Marengo)
Barton	Carmichael	Edwards
Benners	Cooper	Elrod
Benson	Cranford	Fuller

Garner	Mitchell	Sanders
Haley	Moore	Sanford
Henley	McCurdy	Seale
Hoffman	McMillan	Sherrod
Hughes	Pearson	Smith (Elmore)
Jenkins	Peete	Smith (Lee)
John	Pitts (Dallas)	Stollenwerck
Jones	Powell (Covington)	Tarrant
King	Pratt	Tunstall
Kirby	Price	Vann
Lacy (Walker)	Pugh	Wittmeier
Lawson	Ratray	White (Lamar)
Lee (Barbour)	Rowe	Williams (Barbour)
Malone	Rushton	Williams (Lee)
Mayfield	Sample	Woolf

—60

Nays:

Mr. Killen.

—1

H. 209. To empower cities in Alabama having not less than twenty-five thousand inhabitants, to regulate and control amusements in such cities.

Was read a third time at length, and passed.

Yeas, 55; nays, 5.

Yeas:

Messrs. Speaker	Hughes	Pratt
Altman	Jenkins	Price
Ballard (Autauga)	John	Pugh
Barton	Johnson	Ratray
Benners	Jones	Rice
Benson	Lacy (Walker)	Rowe
Brown	Lawson	Rushton
Bulger	Lee (Barbour)	Sample
Burney	Long (Butler)	Seale
Carmichael	Lyons	Sherrod
Cooper	Mayfield	Smith (Lee)
Cranford	Moore	Tarrant
Cunningham	McCrory	Tunstall
Doyle (Clarke)	McMillan	Vann
Doyle (Marengo)	Pearson	Wittmeier
Edwards	Peete	Williams (Barbour)
Garner	Pitts (Dallas)	Williams (Lee)
Glover	Powell (Covington)	Woolf
Haley		

—55

Nays:

Cannon
ElrodKing
Mitchell

White (Lamar)

—5

On motion of Mr. Hoffman the bill, H. 209, was ordered sent to the Senate forthwith without engrossment.

H. 286. To adopt a Code.

Was taken up. Mr. Gunter offered the following substitute to the bill, H. 286, said substitute being as follows:

Substitute for H. 286:

A bill to be entitled an act to adopt a code.

Be it enacted by the Legislature of Alabama,

Section 1. That the three printed volumes published by authority of law in 1907, known as the political, civil and criminal codes, containing sections 1 to 7900 both inclusive, together with the rules of practice of courts, be and the same are hereby adopted as the Code of Alabama.

Section 2. That all acts of the Legislature passed at the special sessions of the Legislature, altering, amending, or repealing either the sections of the Code, or the acts of the Legislature passed at the general or special sessions are unaffected by the adoption of this Code.

And the substitute was adopted.

Yeas, 61; nays, 0.

Yeas:

Altman	Doyle (Marengo)	King
Arnold	Edwards	Lacy (Walker)
Avery	Elrod	Lawson
Ballard (Autauga)	Garner	Lee (Barbour)
Barton	Glover	Long (Butler)
Benners	Gunter	Lyons
Brown	Haley	Maner
Bulger	Henley	Mayfield
Burney	Hoffman	Middleton
Carmichael	Hughes	Mitchell
Coleman	John	Moore
Cranford	Jones	McCrory

McDuffie	Rainer	Stollenwerck
McMillan	Rattray	Tarrant
Pearson	Rice	Tunstall
Peete	Rowe	Turner
Pitts (Dallas)	Sanders	White (Lamar)
Powell (Covington)	Seale	Williams (Barbour)
Pratt	Sherrod	Williams (Lee)
Price	Smith (Lee)	Woolf
Pugh		

—61

And the bill,
H. 286. To adopt a Code,
As amended by the substitute,
Was read a third time at length, and passed.
Yeas, 67; nays, 0.

Yeas:

Alford	Henley	Pratt
Altman	Hughes	Price
Avery	Jenkins	Pugh
Ballard (Autauga)	John	Rainer
Ballard (Pike)	Johnson	Rattray
Barton	Jones	Rice
Benners	King	Rowe
Brown	Lacy (Walker)	Rushton
Burney	Lawson	Sample
Cannon	Lee (Barbour)	Sanders
Carmichael	Lindsey	Sanford
Coleman	Long (Butler)	Seale
Cooper	Lyons	Sherrod
Crum	Maner	Smith (Lee)
Cunningham	Mayfield	Stollenwerck
Doyle (Marengo)	Mitchell	Tarrant
Edwards	Moore	Turner
Elrod	McCrory	Wittmeier
Fuller	McCurdy	White (Lamar)
Garner	McDuffie	Williams (Barbour)
Glover	McMillan	Williams (Lee)
Gunter	Powell (Bullock)	Woolf
Haley		

—67

H. 285. For the preservation and protection of the public oyster reefs and beds in the waters of Alabama; to provide for the establishment of a board of oyster commissioners, to prescribe their duties, and provide for their compensation; to regulate the manner of taking and catching oysters on such public reefs and private bedding grounds, and to prescribe the measure of oysters in the shell; to prescribe license fees for boats engaged in taking and catching oysters; to fix and prescribe a tax upon oysters canned and packed in this State; to provide for the protection and patrol of oyster grounds, and to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of any of the provisions of this act; and to create the oyster protection fund from moneys arising under the provisions of this act; for the purpose of defraying the expenses of the oyster commission, and generally to regulate and control the oyster industry and matters connected therewith.

Was read a third time at length, and passed.

Yeas, 67; nays, 5.

Yeas:

Messrs.

Altman	Jenkins	Pitts (Perry)
Avery	John	Powell (Covington)
Ballard (Autauga)	Jones	Pratt
Ballard (Pike)	Killen	Price
Barton	King	Pugh
Benners	Lawson	Rainer
Benson	Lee (Barbour)	Ratray
Brown	Lee (Etowah)	Rowe
Burney	Lee (Houston)	Rushton
Coleman	Long (Butler)	Sanders
Cooper	Lyons	Sanford
Cranford	Maner	Seale
Crum	Mayfield	Sherrod
Doyle (Clarke)	Mitchell	Smith (Lee)
Doyle (Marengo)	Moore	Stollenwerck
Edwards	McCrory	Tarrant
Garner	McCurdy	Vann
Glover	McDuffie	Wittmeier
Gunter	McMillan	White (Lamar)
Haley	Pearson	Williams (Barbour)
Henley	Peete	Williams (Lee)
Hoffman	Pitts (Dallas)	Woolf
Hughes		

Nays:
Messrs.

Cannon
Elrod

Fuller
Johnson

Sample

—5

On motion of Mr. Lyons, the bill, H. 285, was ordered sent forthwith to the Senate without engrossment.

H. 269. To create and provide for advisory committees of women to sit with the board of trustees of all the schools, colleges and other institutions of learning maintained by the State, and under the control and management of appointive boards of trustees; to define the duties of such advisory committees, and to provide for the method of their appointment.

Was taken up. On motion of Mr. Long, of Butler, the further consideration of the bill, H. 269, was postponed until on next Friday, and that it be made a special order for that day immediately after the call of standing committees.

Mr. Lee, of Etowah, moved to table the motion of Mr. Long, of Butler, and the motion to table was lost on account of no quorum voting and the motion of Mr. Long, of Butler, prevailed.

H. 207. To amend section 929 of the Code of 1907.

Was read a third time at length, and passed.

Yeas, 54; nays, 5.

Yeas:

Messrs. Speaker	Crum	Lee (Etowah)
Altman	Cunningham	Lee (Houston)
Avery	Edwards	Long (Butler)
Ballard (Autauga)	Elrod	Long (Morgan)
Benners	Garner	Maner
Benson	Glover	Mayfield
Brown	John	Mitchell
Bulger	Johnson	Moore
Burney	Jones	McGrory
Carmichael	Killen	McDuffie
Coleman	King	McMillan
Cooper	Lawson	Pitts (Dallas)
Cranford	Lee (Barbour)	Powell (Covington)

Price	Rushton	Tarrant
Pugh	Sanders	Tunstall
Rainer	Sanford	Vann
Rattray	Smith (Lee)	Wittmeyer
Rice	Stollenwerck	Williams (Barbour)

—54

Nays:

Messrs.

Gunter	Sherrod	White (Lamar)
Sample	Turner	

—5

H. 203. To amend section 16 of an act, entitled "An act to provide for the organization, incorporation, government, and regulation of cities and towns, and to define the rights, powers, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the Municipal Code Bill.

Was read a third time at length, and passed.

Yeas, 52; nays, 3.

Yeas:

Messrs. Speaker	Gunter	Pearson
Altman	Haley	Pratt
Avery	Hughes	Pugh
Ballard (Autauga)	Jenkins	Rattray
Barton	John	Rice
Benners	Jones	Rowe
Brown	Killen	Sanford
Burney	King	Seale
Cannon	Kirby	Sherrod
Carmichael	Lawson	Smith (Elmore)
Coleman	Lee (Etowah)	Stollenwerck
Cooper	Long (Butler)	Tarrant
Cranford	Maner	Tunstall
Doyle (Marengo)	Mayfield	Wittmeyer
Edwards	Mitchell	White (Lamar)
Fuller	Moore	Williams (Barbour)
Garner	McDuffie	Woolf
Glover		

—52

Nays :

Messrs.

Pitts (Dallas)

Rainer

Sample

—3

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following House joint resolution :

H. J. R. 7. Of the Legislature of the State of Alabama, ratifying the 16th amendment of the constitution of the United States.

J. A. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the H. J. R. 7, the title to which is set out in the above and foregoing report from the standing committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bills :

H. 246. To amend an act entitled "An act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 128, 78 thereof and adding sections 94½, 107½, 137½, 139½, 140½.

H. 161. To amend section 1989 of the Code of Alabama.

H. 157. To amend sections 51 and 52 of the Political Code of 1907.

H. 284. To authorize and require the faculty of the State high school of Winston county, Alabama, to include the regular seventh grade of the public schools in its curriculum for the next five years.

H. 163. To repeal an act entitled an act to constitute a board of jury commissioners for Choctaw county, approved February 28, 1907.

ERNEST LACY, Chairman.

The report of the standing committee on Engrossed Bills was concurred in.

On motion of Mr. Lyons, the bill, S. 40 was recommitted to the standing committee on Game, Fish and Forestry Preservation.

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until 10 o'clock tomorrow morning.

TWELFTH DAY.

House of Representatives,
MONTGOMERY, Ala., Wednesday, Aug. 11th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Dr. Sturdivant, of Bessemer.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Hughes	Peete
Alford	Jenkins	Pitts (Dallas)
Altman	John	Pitts (Perry)
Arnold	Johnson	Powell (Covington)
Arrington	Jones	Pratt
Avery	Killen	Price
Ballard (Autauga)	King	Pugh
Ballard (Pike)	Kirby	Ragsdale
Barton	Lacy (Walker)	Rainer
Benners	Lancaster	Rattray
Benson	Lawson	Rice
Brown	Lee (Barbour)	Rowe
Bulger	Lee (Etowah)	Rushton
Burney	Lee (Houston)	Sample
Cannon	Lindsey	Sanders
Carmichael	Long (Butler)	Sanford
Coleman	Long (Morgan)	Seale
Cooper	Lyons	Sherrod
Cranford	Malone	Smith (Elmore)
Crum	Maner	Smith (Lee)
Cunningham	Mayfield	Stollenwerck
Doyle (Clarke)	Middleton	Tarrant
Doyle (Marengo)	Mitchell	Thompson
Dudley	Moore	Tunstall
Edwards	McCrary	Turner
Elrod	McCurdy	Urquhart
Fuller	McDuffie	Vann
Garner	McMillan	Wittmeier
Glover	Norville	White (Lamar)
Gunter	Oliver	Williams (Barbour)
Haley	Parker	Williams (Lee)
Henley	Pearson	Woolf
Hoffman		

—97

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker :

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the eleventh day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the eleventh day was approved.

PRIVILEGES OF THE FLOOR.

Were extended to Frank B. Fowlkes, of Jefferson; Hon. B. H. Burr, of Birmingham; Hon. R. D. Hudspeth, Hon. J. E. Armstrong, Hon. S. B. Wood and Hon. W. O. Long, of Henry county; Hon. J. N. Ham and Hon. M. S. Carmichael, of Elba; Hon. Jno. W. Bowers, Hon. J. D. Murphy, of Pike; Hon. J. B. Knight, of Coffee; Hon. J. A. Howle, of Elmore; Hon. J. S. Cats, and Hon. J. A. Chambliss, of Autauga; Hon. H. T. Hartwell, of Mobile; Hon. J. F. Jones, Hon. Mr. McCrary, Hon. C. S. Rabb, of Conecuh county, and Hon. P. A. McDaniel, of Abbeville.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Powell, of Bullock.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 49. Resolved, That after Thursday, August 12, 1909, the call of counties for the introduction of bills shall be suspended, and thereafter no bill shall be introduced.

By Rules Committee.

H. R. 54. Resolved, That the House shall convene at ten o'clock a. m., and recess from 1 p. m. to 3 p. m. and adjourn at 5 p. m. That the morning session shall be devoted to bills on the calendar.

By Mr. John.

H. R. 55. Resolved, That the Senate is hereby respectfully requested to return to the House H. 209. To empower cities in Alabama having not less than twenty-five thousand inhabitants to regulate and control amusements in such cities."

By Rules Committee.

H. R. 56. Resolved, That H. J. R. 34—Pettus County—amendment to the constitution be made a special paramount continuing order for today after the call of counties.

That after the said resolution the following bills in their order shall be paramount, special and continuing orders:

H. 104, H. 45, H. 256, H. 46, H. 49, H. 54, H. 128, H. 195, H. 178, H. 179, H. 75, H. 76, H. 257, H. 267, H. 156, H. 68, H. 294, H. 296, H. 262, H. 263 and H. 155.

And the resolutions were adopted.

RESOLUTION.

The following resolution was adopted and referred to the committee on Rules:

By Mr. Bulger.

H. R. 57. Resolved, That H. 266, by Mr. Mastin, To amend section 6262 of the Code on page 34 of today's calendar be made a special paramount and continuing order for Thursday morning immediately after calling roll of counties for the introduction of bills.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. John gave notice that on tomorrow he would move to take the bill,

H. 6. To authorize the larger cities of the State to adopt the commission form of government and to provide a system for such government.
From the adverse calendar, and under the rules the motion goes over until tomorrow.

MOTION TO RECONSIDER.

Mr. Hoffman moved to reconsider the vote by which the bill, H .209, was passed on yesterday and then moved to postpone the motion to reconsider the vote by which the bill, H. 209, was passed until tomorrow morning and the motion to postpone the motion to reconsider prevailed.

BILLS ON SECOND READING.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report :

H. 322. To further regulate the buying and selling of cotton seed and seed cotton, and to require public ginners, cotton seed oil mills and other purchasers to keep a register of all purchases, giving date and place of sale and from whence the cotton and seed came and where it was raised.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report :

H. 319. To repeal section 9 of "An act to establish the Walker county law and equity court," approved December 5th, 1900, as amended by section 2 of "An act (approved February 15, 1901) to amend sections eight, nine and twenty-six of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900."

H. 320. To amend section 14 of No. 88, H. 338, approved the 26th day of February, 1907, to provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction and improvement of the same; to pay for the same either out of the general fund

for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, describing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 324. To prescribe the restrictions and conditions under which regular practicing physicians who are retail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act, and for other violations thereof.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted upon the following bills and ordered same returned to the House with an adverse report:

H. 316. To amend section 2082, Code 1907, by amending subsection 6 thereof, and by repealing subdivision 7, and subsections B to K, both inclusive, thereunder.

H. 317. To amend section 2082, Code 1907, by amending subsection 6 thereof, and by repealing subdivision 7, and subsections B to K, both inclusive thereunder.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Jenkins. (With notice and proof.)

H. 325. To provide for the further protection of fish in Baldwin county, to prevent the taking or catching of fish in any lake, river, creek or bayou in said county, except with hook and line; and to provide a penalty for the same; to make it unlawful for any non-resident engaged in the business of commercial fishing to take fish in Baldwin county.

Game, Fish and Forestry Preservation.

Notice and proof H. 325:

NOTICE.

Notice is hereby given that a bill will be introduced in the next meeting of the Legislature of Alabama to amend the fish laws of Baldwin county to prevent the taking or catching of fish in any lake, river, creek or bayou of said county except with a hook and line, and to provide a penalty for the same.

State of Alabama, }
Baldwin County. }

E. L. Colley being duly sworn, deposes and says that he is the publisher of The Baldwin Times, a weekly newspaper published at Bay Minette, Baldwin county, Alabama, that the notice of a bill to be introduced in the Legislature, a copy of which is hereto attached, was printed in said paper for four consecutive weeks, beginning with the issue dated 18th day of June, 1909.

E. L. COLLEY.

Subscribed and sworn to before me, this 31st day of July, 1909.

FRANK S. STONE,

Notary Public, Baldwin County, Ala.

By Mr. Williams, of Barbour.

H. 326. To amend section 7692 of the Code of 1907.
Revision of Laws.

By Mr. Williams, of Barbour.

H. 327. To provide for the better compensation of sheriffs in this State.

Revision of Laws.

By Mr. Williams, of Barbour.

H. 328. To amend section 2229 of the Code of 1907.
Revision of Laws.

By Mr. Bulger. (With notice and proof.)

H. 329. To make appropriation for the benefit of the Southern Industrial Institute at Camp Hill, Ala.

Local Legislation.

Notice and proof H. 329:

NOTICE.

Notice is hereby given that a bill will be introduced into the next extraordinary session of the Alabama Legislature having for its purpose and the substance of which will be to procure yearly appropriation of \$2,000 for the benefit of the Southern Industrial Institute, an educational institute located at Camp Hill in Tallapoosa county, to be expended and utilized for the best interest of the said educational institution under the control and direction of the board of trustees of said institution.

This July 12, 1909.

(Signed) J. A. KERNODLE,
JOHN E. HEARD.

I hereby certify that the within notice was published in the Camp Mill Times for three consecutive weeks, namely July 16th, 23rd, and 30th, 1909.

L. M. WILLIAMSON,
Lessee and Business Manager.

Sworn to and subscribed before me this the 5th day of August, 1909.

C. B. LEE,
N. P., Ex-off. J. P.

By Mr. Malone. (With notice and proof.)

H. 330. To prohibit the sale of adulterated seed for planting or sowing purposes in Henry county, Alabama.
Agriculture.

Notice and proof H. 330:

Notice is hereby given that the following bill will be introduced in the extra session of the Legislature to be convened on the 27th of July, 1909, for passage; to prohibit the sale of adulterated seed for planting or sowing purposes.

Be it enacted by the Legislature of Alabama, That any person or persons having planting seed of any kind offering for sale in the county of Henry, shall be required to have tags attached to each bag or sack or whatever contains the seed, with a guarantee as to kind and quality, printed thereon, and in case such guarantee is false, they shall pay any and all damages that may accrue from the sale of said adulterated seed.

The State of Alabama, }
Henry County. }

On this 10th day of August, 1909, personally appeared before me the undersigned, a clerk of the circuit court within and for said county and State, J. R. Espy, publisher of Abbeville Times, a newspaper published at Abbeville, county of Henry, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper four weeks beginning July 15th and ending August 5th, 1909.

J. R. ESPY, Publisher.

Subscribed and sworn to before me this 10th day of August, 1909.

T. H. BLACKLIDGE,
Clerk Circuit Court.

By Mr. Malone. (With notice and proof.)

H. 331. To protect the traveling of the people upon the public roads of Henry county, Alabama.

Local Legislation.

Notice and proof H. 331:

Notice is hereby given that the following bill will be introduced in the extra session of the Legislature to be convened on the 27th of July, 1909, for passage: An act to protect the traveling of the people upon the public roads. Be it enacted by the Legislature of Alabama, That any person or persons traveling in or with an automobile, locomobile or other motor vehicle, upon the public roads of Henry county, Alabama, in violation of sections 6322-6327 of the Code of Alabama, regulating the operation of automobiles, etc., shall be responsible for any and all damages that may accrue to any person or persons from the sight thereof while running or otherwise, and the said automobiles or other motor vehicles shall be responsible for said damages and the sheriff of Henry county, at the request of the injured person, shall take possession of said automobile as collateral security, until said damages are paid. The automobile or other motor vehicle shall be subject to the payment of any and all damages that may accrue. The injured parties may proceed at law as in other cases of damages.

The State of Alabama, }
Henry County. }

On this 10th day of August, 1909, personally appeared before me the undersigned, a clerk of circuit court, within and for said county and State, J. R. Espy, publisher of the Abbeville Times, a newspaper published at Abbeville, county of Henry, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper four weeks, beginning July 15, and ending August 5, 1909.

J. R. ESPY, Publisher.

Subscribed and sworn to before me this 10th day of August, 1909.

T. H. BLACKLIDGE.

By Mr. Malone. (With notice and proof.)

H. 332. To prevent damage and the spread of hydrophobia by mad dogs in Henry county, Alabama.

Public Health.

Notice and proof H. 332:

Notice is hereby given that the following bill will be introduced in the extra session of the Legislature to be convened on the 27th of July, 1909, for passage: An act to prevent damage and the spreading of hydrophobia by mad dogs.

Sec. 1. Be it enacted by the Legislature of Alabama, That all persons owning dogs of any and every kind over three months old, keep them in a secure enclosure, or well muzzled when not in actual service, during the months of June, July and August of each year. Any owner of dogs who fails to comply with the above act shall be fined not less than ten nor more than one hundred dollars.

Sec. 2. It shall be the duty of the tax assessor of Henry county, Alabama, after the passage of this act, to assess all owners of dogs over three months old, one dollar tax, which is to be collected as other road taxes of Henry county, Alabama, and is to be applied to the working of the public roads in Henry county, Alabama.

The State of Alabama, }
Henry County. }

On this 10th day of August, 1909, personally appeared before me the undersigned, a clerk of circuit court, within and for said county and State, J. R. Espy, publisher of the Abbeville Times, a newspaper published at Abbeville, county of Henry, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper four weeks, beginning July 15, and ending August 5, 1909.

J. R. ESPY, Publisher.

Subscribed and sworn to before me this 10th day of August, 1909.

T. H. BLACKLIDGE.

By Mr. Cunningham.

H. 333. To amend section 1182 of the Code of Alabama.

Municipal Organization.

By Mr. Smith, of Lee.

H. 334. To amend section 804 of the Code.

Appropriations.

By Mr. Woolf.

H. 335. To regulate the remittances by the banks of the State of money collected on drafts with bills of lading attached.

Judiciary.

By Mr. Ballard, of Autauga.

H. 336. To repeal section 3290 of the Code of Alabama.

Judiciary.

By Mr. Long, of Morgan. (With notice and proof.)

H. 337. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act together with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof to the Morgan county law and equity court.

Local Legislation.

Notice and proof H. 337:

State of Alabama, }
Morgan County. }

Before me, Thos. W. Wert, Judge of the Morgan county law and equity court, said State and county, personally appeared Prentiss Blackwell who, being by me duly sworn, deposes and says that he is editor of the Twin City Telegram, a newspaper published in New Decatur, Alabama, Morgan county; that said newspaper is published daily and that the notice hereto attached has been published at least once a week for four consecutive weeks, the first notice appearing in the week beginning July 19th, 1909, and appearing last during the week beginning August 9th, 1909.

NOTICE.

Notice is hereby given that there will be introduced at the coming session of the Legislature of Alabama a bill to abolish the county court of Morgan county, Alabama, which court is provided for by Art. 3, Chap. 142, Code Ala. 896.

Said bill will provide for the transfer of the cases pending in said court, together with process and everything pertaining to said cases to the Morgan county law and equity court.

PRENTISS BLACKWELL.

Sworn to and subscribed before me this the 10th day of August, 1909.

THOS. W. WERT,

Judge of the Morgan County Law and Equity Court.

By Mr. John.

H. 338. To amend section 586 of the Code of 1907.

Judiciary.

By Mr. Cunningham. (By request.)

H. 339. To amend section 1182 of the Code of Alabama.

Municipal Organization.

By Mr. Smith, of Lee.

H. 340. To repeal sections 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809 and 810 of the Code of Alabama.

Appropriations.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bills your signature thereto is requested:

S. 23. To amend section 3487 of the Code of Alabama (1907).

S. 30. To amend section 3046 of the Code of 1907.

S. 89. To provide for the holding of two terms each year of the circuit court of Marshall county at Albertville, to provide for the jurisdiction thereof and to regulate proceedings therein.

S. 91. To amend an act entitled an act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures, and convict labor. Approved February 6th, 1895.

S. 42. To amend section 3374 of the Code of Alabama.

J. A. KYLE, Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has adopted House resolution 55 and herewith returns to the House bill 209.

J. A. KYLE, Secretary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills has examined and found correctly engrossed the following bills:

H. 95. To authorize a certified copy of a decree rendered by a court of competent jurisdiction of another State, relieving a non-resident minor of the disabilities of non-age, to be recorded in the probate office of any county in this State where such minor owns property, and when so recorded the said decree to have the same force and effect in this State as in the State where rendered.

H. 166. To amend section 859 of the Code of Alabama.

H. 174. To amend section 1863 of the Code.

H. 203. To amend section 16 of an act entitled "An act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the municipal code bill.

H. 207. To amend section 929 of the Code of 1907.

H. 286. To adopt a Code.

ERNEST LACY, Chairman.

The report of the standing committee on Engrossed Bills was concurred in.

WITHDRAWAL OF BILL.

Mr. Cunningham asked unanimous consent to withdraw the bill,

H. 333. To amend section 1182 of the Code of Alabama.

Consent was granted and the bill was withdrawn.

BILL ON THIRD READING.

H. 45. (With substitute.) To submit to the qualified electors of the State of Alabama, for their consideration at the next general election an amendment of section 96 of article IV of the Constitution.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Judiciary, said substitute being as follows:

Substitute for H. 45:

A bill to be entitled an act, to submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday in November, 1910, for their consideration, an amendment to section 96 of article four of the Constitution, so that the Legislature may, by either a general or local law, prescribe the fees, compensation.

or fixed salary which any county officer in any one of the counties of this State may receive, and so that the Legislature may provide that any one or more of the county officers, in any one or more of the counties of this State shall receive compensation by a fixed salary in lieu of fees or commissions.

Section 1. Be it enacted by the Legislature of Alabama, That the following amendment to section 96 of article four of the constitution is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as is hereinafter set forth. Section 96 of article four of the constitution be amended so as to read as follows:

Section 96. Nothing in this constitution shall prohibit the Legislature by either a general or local law, from prescribing the fees, compensation, or ~~fixed salary~~ which any county officer in any one or more of the counties of this State may receive, and the Legislature shall have the power to provide that any one or more of the county officers in any one or more of the counties of this State shall receive compensation by a fixed salary in lieu of fees or commissions.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in this State, at least eight successive weeks next preceding the general election of 1910 of the amendment proposed by this act to be submitted to the qualified electors for their consideration.

Section 3. That at the general election to be held on the first Tuesday after the first Monday in November, 1910, an election shall be held as provided under the constitution of Alabama, and under the same conditions and penalties as general elections for the vote of the qualified electors on the proposed amendment, and on the official ballot printed for said elections, shall be printed the following:

"Shall section 96, article four of the constitution of Alabama, be amended so as to read as follows: Section 96. Nothing in this constitution shall prohibit the Legislature by either a general or local law, from prescribing

ing the fees, compensation, or fixed salary which any county officer in any one or more of the counties of this State may receive, and the Legislature shall have the power to provide that any one or more of the county officers in any one or more of the counties of this State shall receive compensation by a fixed salary in lieu of fees or commissions." ----- "Yes-----" "No."

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. That the vote shall be counted and the return made in the same manner as is now provided by law for general elections for Senators and Representatives. The result of said election shall be made known by proclamation of the Governor, and if a majority of all the qualified electors who voted at said election voted "Yes," said amendment, from the date of said proclamation, shall be valid to all intents and purposes as a part of the constitution of Alabama.

Mr. King offered the following amendment to the substitute, "Provided that this shall not apply to counties of less than one hundred thousand population."

And the amendment to the substitute offered by Mr. King was adopted.

And the substitute as amended was adopted.

Yeas, 75; nays, 0.

Yeas:

Messrs. Speaker	Cranford	King
Altman	Cunningham	Kirby
Arnold	Doyle (Marengo)	Lawson
Arrington	Eudley	Lee (Barbour)
Avery	Fuller	Lindsey
Ballard (Autauga)	Garner	Long (Butler)
Ballard (Pike)	Glover	Moore
Barton	Haley	Malone
Benners	Henley	Mayfield
Brown	Hoffman	Middleton
Bulger	Hughes	Mitchell
Burney	John	Moore
Cannon	Johnson	McCurdy
Carmichael	Jones	McDuffie
Cooper	Killen	McMillan

Norville	Rainer	Stollenwerck
Pearson	Ratray	Tarrant
Peete	Rice	Thompson
Pitts (Dallas)	Rowe	Tunstall
Pitts (Perry)	Sample	Turner
Powell (Covington)	Sanders	Urquhart
Pratt	Sanford	Wittmeier
Price	Sherrod	White (Lamar)
Pugh	Smith (Elmore)	Williams (Barbour)
Ragsdale	Smith (Lee)	Williams (Lee)

—75

And the bill,

H. 45. To submit to the qualified electors of the State of Alabama, for their consideration at the next general election an amendment of section 96 of article IV of the constitution.

As amended by the substitute, as amended, was read a third time, at length and passed.

Yeas, 74; nays, 4.

Yeas:

Messrs. Speaker	Edwards	Moore
Alford	Fuller	McCurdy
Altman	Garner	McMillan
Arnold	Glover	Norville
Arrington	Haley	Pearson
Avery	Henley	Pitts (Dallas)
Ballard (Autauga)	Hoffman	Pitts (Perry)
Ballard (Pike)	Hughes	Powell (Covington)
Benners	John	Pratt
Benson	Johnson	Price
Brown	Jones	Pugh
Bulger	King	Ragsdale
Burney	Kiroy	Rainer
Cannon	Lawson	Ratray
Carmichael	Lee (Barbour)	Rice
Coleman	Lee (Etowah)	Rowe
Cooper	Lindsey	Rushton
Cranford	Long (Morgan)	Sample
Crum	Malone	Samuels
Cunningham	Mayfield	Seale
Doyle (Marengo)	Mitchell	Sherrod

Smith (Elmore)	Thompson	Williams (Barbour)
Smith (Lee)	Urquhart	Williams (Lee)
Stollenwerck	Wittmeier	Woolf
Tarrant	White (Lamar)	

—74

Nays:

Messrs.

Elrod

Long (Butler)

McDuffie

Gunter

—4

SPECIAL ORDER.

The hour having arrived the House proceeded to the consideration of the special order which was H. J. R. 34.

H. J. R. 34. By Mr. Ragsdale.

A JOINT RESOLUTION.

A joint resolution to propose an amendment to the constitution of the State of Alabama, for the purpose of amending section 39 of article II thereof, and to order an election for its ratification.

Be it resolved, by the House of Representatives, the Senate concurring, That there shall be and there is hereby proposed an amendment to the Constitution of the State for the purpose of amending section 39 of article II by adding thereto and at the conclusion thereof, the following words and figures:

And provided further that out of the county of Jefferson there shall be and there is hereby created and established a new county of less extent than 600 square miles, which shall be called Pettus, and with its boundary lines as follows:

Commencing at a point where the range line dividing ranges 2 and 3 west in township 19 intersects the Cahaba river, thence, running north on the said range line to the northeast corner of the southeast quarter of section 1, township 19, range 3 west, thence west three miles, thence north one half mile, thence west one mile to the northeast corner of section 4, thence north one half mile, thence west one mile to the northwest corner of the southwest quarter of section 32, thence north three-fourths of a mile, thence west three-fourths of a mile,

thence north one-half of a mile, thence west one-fourth of a mile, thence north one-half mile to the northeast corner of southeast quarter of the southeast quarter of section 24, township 18, range 4, west. Thence west one fourth of a mile, thence north one-fourth of a mile, thence west one-half mile, thence north three-fourths of a mile to the northeast corner of southwest quarter of southwest quarter of section 13, township 18, range 4 west. Thence west one-half mile, thence north one and one fourth miles to the northeast corner of northwest quarter of southeast quarter of section 11, thence west three-fourths of a mile, thence north one and one-half miles, to the northeast corner of section 3, township 18, range 4 west. Thence west two miles, thence north four miles to the northeast corner of section 17, township 17, range 4 west, thence west one mile, thence north two miles to the township line dividing townships 16 and 17. Thence west along said township line to the county line dividing the counties of Jefferson and Walker; thence south along said county line and with its variations to the Black Warrior River; thence down along and with the meanderings of said Black Warrior river to a point where the county line dividing the counties of Jefferson and Tuscaloosa turns off from said river to the east; thence with and along said county line with its variations to its intersection with the county line of Bibb county; thence along and with the county line dividing the counties of Jefferson and Bibb to its intersection with the county lines of Jefferson and Shelby, thence, along said county line dividing the counties of Jefferson and Shelby to point of beginning.

Section 2. And be it further resolved, That there shall be and there is hereby an election ordered to be held by the qualified electors of the State on the day of the general election in November, A. D. 1910, to vote on the above proposed constitutional amendment, and the Governor of the State shall by proclamation, give notice of this election with a copy of the proposed amendment and cause the same to be published once a week for eight consecutive weeks next preceding the day of election in a newspaper published in each county of the State in

which a newspaper is published, and by posting a copy of the same at the court house of each county in which no newspaper is published.

And the House joint resolution 34, was read a third time, at length and passed.

Yeas, 70; nays, 17.

Yeas:

Messrs. Speaker	Hoffman	Pitts (Dallas)
Arnold	Hughes	Pitts (Perry)
Altman	Jenkins	Powell (Covington)
Arrington	Johnson	Pratt
Avery	Jones	Price
Ballard (Pike)	Killen	Pugh
Barton	Kirby	Ragsdale
Benson	Lancaster	Rainer
Brown	Lee (Barbour)	Rattray
Bulger	Lee (Etowah)	Rowe
Burney	Lindsey	Rushton
Carmichael	Lyons	Sample
Coleman	Malone	Sanders
Cooper	Maner	Sanford
Cranford	Middleton	Smith (Elmore)
Crum	Mitchell	Thompson
Cunningham	Moore	Tunstall
Doyle (Marengo)	McCrory	Turner
Dudley	McCurdy	Vann
Edwards	McDuffie	White (Lamar)
Elrod	McMillan	Williams (Barbour)
Gunter	Norville	Williams (Lee)
Henley	Peete	Wolf

—70

Nays:

Messrs.

Benners	Long (Morgan)	Smith (Lee)
Fuller	Mayfield	Stollenwerck
Glover	Parker	Tarrant
Haley	Pearson	Urquhart
John	Rice	Wittmeier
King	Seale	

—17

Mr. Pitts, of Dallas, moved to reconsider the vote by which the H. J. R. 34 was passed and then moved to table the motion to reconsider and the motion to table prevailed.

On motion of Mr. Pitts, of Dallas, H. J. R. 34 was ordered sent forthwith to the Senate without engrossment.

RECESS.

On motion of Mr. Carmichael, of Colbert, the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. C. B. Beddow, Hon. Jno. D. Weakly, Hon. J. D. Bethea, of Jefferson, and Hon. Geo. H. Estis, of Birmingham.

Mr. Lee, of Barbour, gave notice that on tomorrow he would move to take from the adverse calendar H. 316 and H. 317.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Coleman the bill, H. 250, was indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 106. To fix the times of holding, in each year, the circuit courts of Chilton county, in the Fifteenth Judicial circuit of the State of Alabama, and to repeal former laws fixing the times for holding said courts.

H. 222. To fix the salaries of the judge and associate judge of the city court of Montgomery.

H. 158. To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled "An act to amend sections six (6) and twenty-five (25) of an act approved February 18, 1895, entitled 'An act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."

H. 185. To authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the Legislature for said county. And this act is to apply to and include all local bills for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill, and no other.

H. 146. To better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor, and to fix the amount of such fees.

H. 144. To create the office of county solicitor for Conecuh county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

And return same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

S. 122. To absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

And sends the same to the House with notice and proof attached and herewith exhibited as follows:

State of Alabama, }
Houston County. }

Before me, Hattie Robertson, notary public in and for said county, personally came R. C. Williams, who being duly sworn says, that he is the editor of Wire Grass Siftings, a newspaper published at Dothan in Houston county, Alabama; and that the said Wire Grass Siftings is a weekly newspaper published weekly at Dothan, in Houston county, Ala.;

NOTICE.

Notice is hereby given that an application will be made to the Legislature of Alabama which convenes on the 27th day of July, to pass a law as follows:

A bill to be entitled an act to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Section 1. Be it enacted by the Legislature of Alabama, That Houston county be and is hereby absolved and forever discharged from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having heretofore been cut off and put into Houston county.

GEO. LESLIE,
A. BROWN,
M. MURPHY,
T. P. MCGRIFF,
W. J. PARISH.

July 13th, 1909.

And the above attached notice to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put in Houston county, was published once a week for four consecutive weeks in said newspaper, the said Wire Grass Siftings before the making of this affidavit.

R. C. WILLIAMS.

Sworn to and subscribed before me, this the 7th day of August, 1909.

HATTIE ROBERTSON,
Notary Public.

Notice is hereby given that an application will be made to the Legislature of Alabama which convenes on the 27th day of July, to pass a law as follows:

A bill to be entitled an act to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Section 1. Be it enacted by the Legislature of Alabama, That Houston county be and is hereby absolved and forever discharged from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having heretofore been cut off and put into Houston county.

GEO. LESLIE,
M. MURPHY,
A. BROWN,
T. P. MCGRIFF,
W. J. PARISH.

July 13th, 1909.

State of Alabama, }
Henry County. }

Before me, T. H. Blackridge, clerk of the circuit court in and for said county, came J. R. Espy, who being duly sworn, says that he is the editor and manager of the

Abbeville Times, a newspaper published at Abbeville, in Henry county, Alabama; and that the said Abbeville Times is a weekly newspaper published weekly at Abbeville in Henry county, Alabama; and the above attached notice to absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put in Houston county, was published once a week for four consecutive weeks in said newspaper, said Abbeville Times, before the making of this affidavit.

J. R. ESPY.

Sworn to and subscribed before me this the 7th day of August, 1909.

T. H. BLACKRIDGE,

Clerk of the Circuit Court of Henry County, Ala.

Also,

S. 47. To amend section 5882 of the Code of Alabama.

S. 48. To amend section 5885 of the Code of Alabama.

S. 117. To amend section 1339 of the Code of Alabama.

And herewith sends the same to the House.

Also,

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

And sends the same to the House with notice and proof attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR THE PASSAGE OF A LOCAL ACT.

Notice is hereby given, in accordance with section 106 of the Constitution of Alabama of 1901, that application will be made at the special session of the Legislature of Alabama, to be called by the Governor of Alabama during the present year, 1909, to have enacted a law substantially as hereafter set forth, and that there will be introduced at such special session of said Legislature a bill to be enacted into a local law in substance as follows:

A bill to be entitled an act to provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county, to prescribe the term of office and duties of such reporter, and to fix his compensation.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby created the office of official shorthand reporter of the city court of Anniston and the circuit court of Calhoun county, which official reporter shall be appointed by the judges of said courts. Said official reporter shall be a competent and experienced court reporter, and shall hold office for four years, and until his successor is appointed and qualified. Said reporter shall be a sworn officer of the court, and must take, before either of the judges of said courts, the statutory oath of office, and in addition the following oath: "I do solemnly swear that I will faithfully and truly record in shorthand and transcribe in typewriting the oral testimony and proceedings which it shall become my duty to report and transcribe as reporter of the city court of Anniston and the circuit court of Calhoun county, so help me God." Either of the judges of said court may, if he sees fit, require said reporter to give bond in a sum not to exceed five hundred dollars, for the faithful performance of his duties.

Sec. 2. That it shall be the duty of said reporter in person or by competent assistant, to attend the sessions of the city court of Anniston and the circuit court of Calhoun county, and whenever his services shall be required by the presiding judge or by any party to a suit pending in either of said courts, he shall take stenographic notes of the oral evidence and proceedings (except argument of counsel), noting the order in which same occur, recording all objections, the rulings of the court thereon and exceptions reserved thereto, together with the oral charge of the court to the jury and all exceptions reserved thereto. Shorthand notes as taken shall be read to the court by the reporter, if required by the judge, during the progress of the trial. Said reporter shall cause the original shorthand notes in each

case to be properly indexed and filed in some safe and convenient place to be prescribed by the judges of said courts, and the same shall be preserved by such reporter for at least two years from the date of trial of such case. Upon the demand of any party applying for the same in person or by counsel, said reporter must prepare and file a transcript of his stenographic notes, which he must certify. The reported shall be entitled to demand and receive from the party ordering the transcript, upon the delivery thereof, the sum of fifteen cents for each one hundred words in civil cases, and the sum of ten cents per hundred words in criminal cases, which, if such transcript is ordered by a party to the cause, shall be taxed as costs of the party ordering said transcript. Said reporter may require sufficient security to cover the cost of the transcript, to be deposited with the clerk of the court; provided that in criminal cases, if the defendant is unable to pay the costs and makes sworn affidavit to that effect, the same shall be reduced one-half and paid by the county and be taxed as other costs in the case.

Sec. 3. That said official reporter shall receive an annual salary of fifteen hundred dollars, payable in monthly installments by warrant of the president of the board of county commissioners on the treasurer of Calhoun county.

Sec. 4. That said official reporter may attend said courts by competent assistant, to be approved by the presiding judge. Such assistant reporter shall take the oath hereinbefore prescribed to be taken by the official reporter before performing any duties under the provisions of this act. The certified transcript of the official or assistant reporter shall be *prima facie* correct, and shall control in the event of disagreement relative to the matter reported.

Sec. 5. That said official reporter, or any assistant duly and legally appointed by him under the provisions of this act, shall, when requested by the solicitor of Calhoun county, be authorized to attend any of the sessions of the grand jury organized in the city court of Anniston, and to take notes, when requested by said solicitor to do so, in any case under investigation by

such grand jury, and to transcribe said notes and deliver the same to said solicitor for his use if a true bill is found by the grand jury in such case. Said reporter, or, if he acts through an assistant, said assistant reporter, shall be sworn to keep secret everything coming to his knowledge by reason of his presence in the grand jury room, and he shall not be present during the deliberations of the grand jury.

Sec. 6. That any party desiring a case to be reported shall request the services of the official reporter. For the reporting of every case, whether a transcript of the testimony and proceedings be afterwards demanded or not, there shall be taxed as costs the sum of five dollars, which shall be paid into the county treasury, and for which the clerk of the court shall require sufficient security before the trial of the case. In every case, the trial of which extends over one day, there shall be taxed as costs of the party requesting that the case be reported, the sum of five dollars for each day or fraction thereof in excess of one day, which said sum shall be paid into the county treasury.

Sec. 7. That when the official reporter is engaged in the performance of his duties in said city court of Aniston, and his services or the services of a reporter are ascertained by the presiding judge to be necessary in the circuit court of Calhoun county, an assistant reporter may be employed by the official reporter, which said assistant reporter shall be compensated by the payment to him of five dollars per diem for the number of days actually engaged in attendance on sessions of the court, which compensation shall be paid on the last day of each month in which the services are rendered, on certificate from the judge of said court, certifying the number of days so employed in said month and the amount due for such services, which certificate shall become immediately payable on presentation to the president of the board of county commissioners of Calhoun county, who shall issue a warrant on the county treasurer for same. It shall be the duty of the official reporter to provide a competent assistant reporter for said purpose, and if any compensation for said assistant reporter be necessary other than that hereinabove provided, the same shall be borne by the official reporter.

Sec. 8. That the board of county commissioners of Calhoun county shall assign to said official reporter, for his use as an office, a suitable and convenient room in the courthouse of said county; and that all stationery and office supplies to be used by such official reporter, in his capacity as such, shall be paid for by Calhoun county, in the manner now provided for the payment of stationery and office supplies used by the judge of probate of said county.

The State of Alabama, }
Calhoun County. }

Before me, Winnie Roberts, a notary public in and for said State and county, personally appeared W. T. Edmondson, Jr., who being duly and legally sworn, deposes and says that he is the publisher of the Anniston Weekly Times, and that the said the Anniston Weekly Times is a newspaper published in the city of Anniston, Calhoun county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said The Anniston Weekly Times, in said Calhoun county, Alabama, once a week for four consecutive weeks, without cost to the State of Alabama.

W. T. EDMONDSON, JR.,

Sworn to and subscribed before me this 5th day of August, 1909.

WINNIE ROBERTS,
Notary Public.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 122.

Agriculture, S. 47, S. 48.

Banking and Insurance, S. 117.

Judiciary, S. 107.

RESOLUTION.

Mr. Rice offered the following resolution. The rules were suspended and the resolution was adopted.

By Mr. Rice.

H. R. 58. Resolved by the House, That after Thursday the 12th day of August, 1909, no resolution to submit to the people of Alabama, any amendment to the constitution of Alabama shall be introduced in this House.

BILL ON THIRD READING.

H. 104. To revoke the license or right to engage in or carry on any business, or to have any agency or place of business in this State, of any foreign corporation which is authorized by its charter to manufacture, sell or otherwise dispose of alcoholic, spirituous, vinous, or malt liquors, or any liquor or beverage prohibited by the law of Alabama to be manufactured, sold or otherwise disposed of in this State, or which is engaged in the manufacture or sale of such liquors or any of them, in the State of its creation, or elsewhere, or which is engaged in or carries on in the State of its creation or elsewhere, any business which is unlawful for any domestic corporation or citizen of Alabama to engage in or carry on in this State; and to prohibit the entry of such foreign corporations into this State and the grant to them by any officer of the State of Alabama of a license to engage in business of any kind or to have any agency or place of business in this State, and to prescribe penalties for the violation of this act.

Was read a third time at length, and passed.

Yeas, 55; nays, 16.

Yeas:

Messrs. Speaker	Benners	Carmichael
Altman	Benson	Cooper
Avery	Brown	Cunningham
Ballard (Autauga)	Burney	Doyle (Clarke)
Ballard (Pike)	Cannon	Doyle (Marengo)

Fuller	Malone	Rice
Garner	Mayfield	Rushton
Henley	Mitchell	Sherrod
Hughes	Moore	Smith (Elmore)
John	McCrory	Smith (Etowah)
Johnson	McCurdy	Smith (Lee)
Jones	McMillan	Tarrant
Killen	Pearson	Tunstall
Kirby	Peete	Turner
Lacy (Walker)	Pitts (Perry)	Urquhart
Lawson	Powell (Covington)	Wittmeier
Lee (Barbour)	Pratt	White (Lamar)
Lee (Etowah)	Pugh	Woolf
Lee (Houston)		

—55

Nays:

Alford	Hoffman	Rainer
Barton	Long (Morgan)	Ratray
Cranford	Norville	Sanford
Edwards	Parker	Seale
Glover	Pitts (Dallas)	Stollenwerck
Haley		

—16

MOTION TO RECONSIDER.

Mr. McCurdy gave notice that on tomorrow he would move to reconsider the vote by which the bill, H. 104, was passed, and under the rules the motion goes over until tomorrow.

H. 300. To amend section 3488 of the Code of Alabama of 1907.

Was read a third time, at length and passed.

Yeas, 53; nays, 5.

Yeas:

Messrs. Speaker	Benson	Doyle (Clarke)
Altman	Brown	Doyle (Marengo)
Avery	Burney	Fuller
Ballard (Pike)	Carmichael	Garner
Barton	Cooper	Glover
Benness	Cunningham	Haley

Henley	Mayfield	Sanders
Hughes	Mitchell	Sanford
John	Moore	Seale
Johnson	Pearson	Smith (Lee)
Jones	Pitts (Dallas)	Stollenwerck
Killen	Pitts (Perry)	Tarrant
Kirby	Powell (Covington)	Tunstall
Lacy (Walker)	Pugh	Turner
Lawson	Rattray	Wittmeier
Lee (Barbour)	Rice	White (Lamar)
Long (Morgan)	Rowe	Williams (Lee)
Malone	Rushton	

—53

Nays:

Cannon	Hoffman	Sherrod
Edwards	Sample	

—5

H. 266. (With substitute.) To amend section 6262 of the Code of Alabama.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Judiciary, said substitute being as follows.

A bill to be entitled an act to amend section 6262 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, That section 6262 of the Code of Alabama be amended so as to read as follows:

6262. Defendant's Bail on Appeal.—If the conviction is for an offense which is not punished capitally or by imprisonment for life, the judge or court must also direct the clerk of the court in which conviction was had to admit the defendant to bail in a sum which may be prescribed by the court, with sufficient sureties, conditioned for his appearance at the next term of the court in which the conviction was had and from term to term thereafter, to abide such judgment as may be rendered on the appeal.

Mr. Mitchell offered the following amendment to the substitute:

Add at the end of said substitute after the word "appeal" the following:

"And the provisions of this act shall also apply to convictions already had in the courts of this State."

And the amendment to the substitute was adopted.

And the substitute as amended was adopted.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Haley	Pearson
Altman	Henley	Powell (Covington)
Arnold	Hoffman	Pugh
Ballard (Autauga)	Hughes	Rainer
Ballard (Pike)	John	Rice
Barton	Johnson	Rushton
Benners	Jones	Sample
Benson	Killen	Sanders
Brown	Kirby	Sanford
Burney	Lacy (Walker)	Seale
Cannon	Lawson	Sherrod
Carmichael	Lee (Barbour)	Smith (Elmore)
Cooper	Lee (Houston)	Smith (Lee)
Cranford	Long (Morgan)	Stollenwerck
Cunningham	Mayfield	Tarrant
Doyle (Clarke)	Mitchell	Tunstall
Doyle (Marengo)	Moore	Turner
Dudley	McCurdy	Vann
Edwards	McDuffie	Wittmeier
Fuller	McMillan	White (Lamar)
Garner	Parker	Williams (Lee)
Glover		

—64

And the bill,

H. 266. To amend section 6262 of the Code of Alabama.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs. Speaker	Ballard (Pike)	Cannon
Altman	Barton	Carmichael
Arnold	Benners	Coleman
Avery	Benson	Cooper
Ballard (Autauga)	Burney	Cranford

Cunningham	Lacy (Walker)	Rattray
Doyle (Clarke)	Lee (Barbour)	Rowe
Doyle (Marengo)	Lee (Houston)	Rushton
Dudley	Mayfield	Sample
Edwards	Mitchell	Sanford
Fuller	Moore	Seale
Garner	McCurdy	Sherrod
Glover	McDuffie	Smith (Elmore)
Haley	McMillan	Smith (Lee)
Henley	Norville	Stollenwerck
Hoffman	Oliver	Turner
Hughes	Pearson	Urquhart
Jenkins	Peete	Vann
John	Pitts (Dallas)	Wittmeier
Johnson	Pitts (Perry)	White (Lamar)
Jones	Pugh	Williams (Lee)
Killen	Rainer	Woolf
Kirby		

—67

H. 298. To amend an act entitled, "An act to alter and rearrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31, 1907.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Dudley	Lawson
Altman	Elrod	Lyons
Arnold	Fuller	Malone
Avery	Garner	Mayfield
Baltzell	Glover	Mitchell
Barton	Gunter	Moore
Benners	Haley	McCurdy
Benson	Henley	Norville
Brown	Hoffman	Oliver
Burney	Hughes	Parker
Cannon	Jenkins	Pearson
Coleman	John	Peete
Cooper	Jones	Pratt
Crum	Killen	Price
Cunningham	King	Pugh

Rainer	Sanford	Tunstall
Rattray	Seale	Turner
Rice	Sherrod	Urquhart
Rowe	Smith (Elmore)	Vann
Rushton	Smith (Lee)	Wittmeier
Sample	Tarrant	Wolf
Sanders		

—64

H. 79. To regulate the sale of food and drugs in the State of Alabama and to provide penalties for the violation thereof.

Was taken up. The question was upon the adoption of the amendment offered by the standing committee on Public Health, said amendment being as follows:

Amend H. 79 by striking out the title thereof and insert in lieu the following:

A bill to be entitled an act to regulate sale of food and drugs in the State of Alabama; to provide for enforcement and inspectors and prescribe penalties for violation thereof.

Mr. Cooper offered the following substitute for the bill and pending amendment:

A bill to be entitled an act to regulate the sale of food and drugs in the State of Alabama and to provide for the enforcement and inspection and prescribe penalties for the violation thereof.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm, or corporation, to manufacture, to sell or offer for sale within the State of Alabama any article, food or drugs which is adulterated or misbranded or which contains any poisonous or deleterious substance within the meaning of this act, and any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment in the discretion of the

court; and for each subsequent offense, and on conviction thereof, shall be fined not exceeding one thousand dollars, or sentenced to two year's imprisonment or both such fine and imprisonment in the discretion of the court.

Sec. 2. That the examination of specimens of food or drugs, shall be made by the State chemist and assistants as herein provided for under the direction and supervision of commissioner of agriculture and industries or municipal or county inspectors where appointed for the purpose of determining from such examinations whether articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examinations that any of such specimens are adulterated or misbranded within the meaning of this act the commissioner of agriculture and industries shall cause notice thereof to be given to the party from whom such sample is obtained. Any party so notified shall be given an opportunity to be heard before the commissioner of agriculture and industries and the attorney general or the municipal or county inspector where appointed and circuit court solicitor, under such rules and regulations as may be prescribed by the commissioner of agriculture and industries and the attorney general and if it appears that any of the provisions of this act have been violated by such party the commissioner of agriculture and industries or other assistants as herein provided for shall at once certify the fact to the proper prosecuting attorney with a copy of the result of the analysis, or of the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. That in case it shall appear to the satisfaction of the commissioner of agriculture and industries and the attorney general that the violation of this act is properly a subject of interstate commerce or otherwise comes under the supervision and jurisdiction of the United States then the commissioner of agriculture and industries, municipal or county inspector, where appointed, or other assistants as herein provided for shall certify the case to the United States district attorney in whose district the

violation may have been committed but if it be under the jurisdiction of the courts of this State, then the commissioner of agriculture and industries, municipal or county inspectors, where appointed, or other assistants as herein provided for shall certify the case to the solicitor of the court in the county where the offense occurred. It shall be the duty of the State solicitors to prosecute all persons violating any of the provisions of this act as soon as he receives evidence transmitted by the commissioner of agriculture and industries, municipal or county inspectors where appointed, or other assistants as herein provided in the several counties of the State. Provided city attorneys shall prosecute with assistance of court solicitors and the attorney general suits brought by municipal authorities and inspectors. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Sec. 3. That the term "*drugs*" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopeia or National Formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

The term "*food*" as used herein shall include all articles used for food, drink, confectionery or condiment by man or animals, whether simple, mixed or compound.

Sec. 4. That for the purpose of this act an article shall be deemed *to be adulterated*, In case of drugs:

1st. If when a drug is sold under or by a distinctive name recognized in the United States Pharmacopeia or National Formulary, it differs from the standard strength, quality or purity, as determined by the test laid down in the United States Pharmacopeia or National Formulary official at the time of investigation; provided, that no drug defined in the United States Pharmacopeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated on the bottle, box or container thereof, although the standard

may differ from that determined by the test laid down in the United States Pharmacopeia or National Formulary.

2nd. If its strength or purity shall fall below the professed standard or quality under which it was sold. In case of confectionery:

If it contains terra-alba, barytes, talc, chrome yellow, burnt umber or other mineral substance, or poisonous coloring, or flavoring or other ingredients detrimental to health, or any vinous, malt or spirituous liquor, or compound or narcotic drug.

In case of food:

1st. If any substance has been mixed and packed with it so as to reduce or lower, or injuriously affect its quality or strength.

2nd. If any substance has been substituted wholly or in part for the article.

3d. If any valuable constituent of the article has been wholly or in part abstracted.

4th. If it be mixed, colored, powdered, coated or stained, in a manner whereby damaged or inferiority is concealed.

5th. If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health; provided, that when in preparation of food for shipment, they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise; and directions for the removal of such preservative, given name and component parts (*in red letters*), on the covering of the package, or on a tag securely attached to the article; the provisions of this act shall be construed as applying only when said products are ready for consumption, and shipment or delivery to retail trade.

6th. If the package, vessel or bottle containing it shall be of such a composition, or carry any attachment of such a composition or metal or alloy, as will be acted upon in the ordinary course of use by the contents of the package, vessel or bottle in such a way as to produce an injurious, deleterious, or poisonous compound.

7th. If it consists in whole or in part of a filthy, tainted, decomposed, or putrid animal, or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 5. That the term "*misbranded*" as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such articles, or the ingredients or substances contained therein, which shall be false or misleading in any particular, or to any food or drug product, which is falsely branded, as to the State, territory, or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed *misbranded*.

In case of drugs:

1st. If it be an imitation of or offered for sale under the name of, another article.

2nd. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fails to bear a true statement on the label or fail to show in conspicuous letters a true statement as is or may be prescribed by the United States laws or rules and regulations of the quantity and proportion of any alcohol, spirituous, vinous or malt liquor, morphine, opium, cocaine, heroin, alpha, or beta, eucaine, chloroform, cannabis indica, chloral hydrate, anti-pyrine, or acetanilid, or any derivative or preparation of any such substances contained therein; provided that nothing in this paragraph shall be construed to apply to such preparations as are specified and recognized by the United States Pharmacopeia or National Formulary or to prescriptions of licensed practitioners of medicine or dental surgery and veterinary surgeons in course of their personal practice.

In case of foods:

1st. If it be an imitation of or offered for sale under the distinctive name of another article.

2nd. If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be foreign product when not so, or is an imitation in package or label of another substance of a previously established name, or which has been trade marked or patented, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if it fails to bear a true statement on the label in conspicuous letters of the quantity or proportion of any alcohol, morphine, malt, malt extract, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, anti-pyrine, or acetanilid, or any derivative or preparation of any such substances contained therein.

3rd. If in package form and the contents are stated in terms of weight or measure, they are not plainly or correctly stated on the outside of the package.

4th. If the package containing it, or its label, shall bear any statement, design, or device regarding the ingredients or substances contained therein, which statement, design or device shall be false or misleading in any particular; provided that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

1st. In the case of mixtures or compounds which may be now, or from time to time, hereafter known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the said article has been manufactured or produced.

But in case of baking powders every can or other package shall be labeled so as to show clearly and exactly what acid salt and what amount has been used in making the same.

2nd. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the words compound, imitation, or blend as the case may be, is plainly stated in

larger letters than other printing on the package in which it is offered for sale; provided, that the term "*blend*" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only; and provided further that the label bear a true statement by weight or measure or percentage of the parts entering into or going to make up the food sold or offered for sale in Alabama, as imitations, compounds or blends; and provided that this act shall not apply to stocks of drugs and medicines on hand in this State, until the first day of January, 1910, with exception set forth in Sec. 17 of this act.

Sec. 6. That no dealer shall be prosecuted under the provisions of this act when he can establish a guarantee signed by the wholesale jobber, manufacturer, or other party, from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guarantee, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such cases, the said party or parties, shall be amenable to the prosecution, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Sec. 7. That any article of food, drug or liquor that is adulterated or misbranded within the meaning of this act shall be liable to be proceeded against in any court of the State of Alabama, where practicable within the county where the same is found, and seized for confiscation by a process of libel or condemnation. And if such article is condemned as being adulterated or misbranded or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the trial court may determine and direct, and the proceeds thereof, if sold, less the legal cost and charges, shall be paid into the treasury of the State of Alabama, but such goods shall not be sold in any jurisdiction in this State contrary to the provisions of this act or the National Pure Food Law.

Sec. 8. That the words "*person or party*," as used in this act, shall be construed to import the plural and the singular, as the case demands, and shall include corporation, companies, societies, and association. When construing and enforcing the provisions of this act, the act or omission or failure of any officer, agent or other person acting for or employed by the corporation, company, society or association within the scope of his employment or office shall in every case be also deemed to be the act, omission or failure of such corporation, company or association, as well as that of the person.

Sec. 9. Be it further enacted, That the commissioner of agriculture and industries, State chemist, assisted by chief food and drug clerk and the municipal or county inspectors for the several counties in the State, when such are appointed or elected, are hereby charged with the duties of inspection and analysis, required for the proper enforcement of this act; and it is hereby provided that as soon as this act becomes effective the commissioner of agriculture and industries is authorized to appoint a clerk in his office to be chief food and drug clerk for the State of Alabama, who shall be a graduate in chemistry and receive a salary not to exceed twelve hundred dollars per annum. Said chief food and drug clerk shall work under the direction of the commissioner of agriculture and industries, and in conjunction with the municipal and county inspectors who may be appointed or elected in the several cities and counties of the State so situated as to demand the services of a special, municipal or county inspector. He shall be allowed actual traveling expense, to be verified by an itemized report of same, when traveling about the State in executing the work of this department.

Sec. 10. That the commissioner of agriculture and industries with the approval of the Governor shall appoint additional assistant or expert analysts as the demands of this department may require, or as may be required to carry out the provisions of this act; the salary of expert analyst not to exceed \$1,800 per annum. He may also make such expenditures for apparatus, increased laboratory facilities, etc., as in his judgment

may be required with the approval of the Governor, either for the State or for the individual or several counties in which county inspectors under this act are necessary. The municipalities shall make such provisions and expenditures for apparatus, etc., for enforcement of this act as seems best and proper to the city council.

Sec. 11. Be it further enacted, That samples for analysis shall be taken only by the chief food and drug clerk, municipal and county inspectors, clerk, or other executive officer of board of pharmacists, State of Alabama, or other duly qualified and sworn State agents, authorized and carrying proper certificate by and from the commissioner of agriculture and industries. They shall take samples of such articles as may be directed by the commissioner of agriculture and industries, or that in their opinion are below the standards of quality required in this act and in the manner prescribed herein; whenever practicable, samples shall be taken in original unbroken packages, said packages to be wrapped and tied securely and sealed over the cord with sealing wax on which they shall impress their official seal. That in case it is not practicable to take or send sample for analysis in original package as for instance, in case of syrups, or other liquids in barrels, or flour in barrels and etc., the chief food and drug clerk, county inspectors or other duly qualified State agents, shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close and wax it and impress his official seal upon the wax, number and forward the same to the commissioner of agriculture and industries, or take it to his office for examination and analysis. In the execution of their duties, the commissioner of agriculture and industries, the chief food and drug clerk, the duly authorized State agents, and the municipal and county inspectors of the several counties where elected or appointed, shall have free access at all reasonable hours into any place where it is suspected that impure foods are being manufactured, or wherein any article of food or drug adulterated with any deleterious or injurious foreign ingredients exists or wherein any offense as prohibited by this act in being

committed by manufacturer or seller. In taking samples the retail price of the same must be tendered to the seller or manufacturer.

Sec. 12. Be it further enacted, That any manufacturer or dealer or other person, who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any duly authorized agent or person named in section 11 of this act, in the performance of his duties in collecting samples or otherwise in connection with this act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten, nor more than five hundred dollars.

Sec. 13. That it shall be the duty of the commissioner of agriculture and industries with the assistants herein provided to fix the standards of purity for all food and drug products where the same are not fixed by this act, in accordance with those promulgated by the secretary of agriculture, the secretary of the treasury and the secretary of commerce, and labor of the United States (except as herein provided), when such standards have been published; and when not yet published, the commissioner of agriculture with the assistance of the State chemist, shall fix such standards, provided that the standards for pure leaf lard, compound lard, mixed edible fats and cotton seed oils are hereby defined as follows:

Pure Leaf Lard—Is lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog, excluding that adhering to the intestines, and has an iodine number not greater than sixty (60).

Lard, is the rendered fresh fat from slaughtered healthy hogs, free from acidity, and contains not more than one per cent of substances, other than fatty acids, not fat, necessarily incorporated therewith in the process of rendering.

Compound Lard. Compound lard is lard rendered at low temperatures from the fatty meats from fresh slaughtered healthy hogs, or which contains other ingredients than pure fat of the swine, and not over twenty-five per cent of beef sterine which percentage shall be specified on the label of the container of such goods.

Pure Leaf Lard, Lard and Compound Lard, as above named must not be made from a diseased animal, or any portion of an animal unfit for food or contain less than the percentage of fat and of the character as specified for each one, and shall be plainly labeled and shall conform in quality to specification herein set out by this act. A *mixed edible fat* is hereby defined to be a mixture which contains not less than ninety-nine per cent of sweet mixed fat, and may consist of a mixture of refined cotton seed oil or other edible vegetable oils with sweet beef fat or other edible animal fats, and must be sold under a registered or proprietary brand and properly labeled with the formula, specifically stating the quantity of each ingredient going to make up the whole, and with a distinctive trade mark, or name bearing the name of the manufacturer. *Edible cotton seed oil* is hereby defined as refined cotton seed oil, free from disagreeable taste or odors. *White cotton seed oil* for edible purposes is cotton seed oil which has been refined in such a manner as to be nearly colorless, flavorless and odorless. *Winter cotton seed oils*, for edible purposes are those from which a portion of the stearine has been removed. They may be either white or yellow. Whenever the commissioner of agriculture with the assistance of the State chemist or the municipal or county inspectors may find, by analysis that adulterated, misbranded or imitation, drugs, liquors, or food product have been manufactured for sale, or put on sale in this State, he shall forthwith furnish a certificate of analysis to that effect to the State solicitor in the county, attorney for municipality where the said adulterated, misbranded, or imitation drug, liquor or food product was found and it shall be the duty of the State solicitor attorney for municipality to immediately prosecute, any and every person violating any of the provisions of this act as soon as he receives the evidence as herein specified from the commissioner of agriculture and industries of the State or the municipal or county inspectors, where elected or appointed for the several counties of the State.

Sec. 14. That the special food and drug clerk (in the commissioner of agriculture and industries' office) and

the municipal and county inspectors of the several counties where elected or appointed shall make *monthly* reports to the commissioner of agriculture and industries of work done in execution of this act, which reports shall be published with enumerations from each separate county.

Sec. 15. That the commissioner of agriculture and industries with the advice of the Governor and attorney general, shall have authority to establish such rules and regulations as shall not be inconsistent with the provisions of this act, and as in his judgment, will best carry out the requirements thereof. He may exercise discretion as to the class of products he will first subject to rigorous inspection and analysis realizing that the fullest and most complete execution of this law under a limited appropriation must be a matter of growth, that he is hereby directed, as soon as possible, to suppress the sale of adulterated cheese, butter, candy and condiments, vinegar, syrups and molasses, leaf lard, compound lard and cotton seed oil by-products and the misbranding of any such goods in the State of Alabama.

Sec. 16. That in order to inforce and carry out the provisions of this act the sum of two thousand dollars, or so much thereof as may be necessary, be immediately available when this act goes into effect, and that the fund arising from fees collected by this office (under this act) and all fines paid into the courts of the State from prosecutions under this act shall be covered into the State treasury as a separate account for the maintenance of this special department of the commissioner of agriculture and industries' office and any surplus accruing thereto shall go to the public school funds. Provided, that municipalities may retain fees and fines to support the work in their respective municipalities.

Sec. 17. That this act shall be in full force and effect from and after January 1st, 1910, *except* as to drugs, patent and proprietary preparations or medicines on which this act shall be in full force and effect except where labeled or bought prior to passage of Alabama pure food and drug act.

Sec. 18. That all laws and parts of laws, special or general, in conflict with this act, be and the same are hereby repealed.

And the substitute was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Pugh
Altman	John	Rainer
Avery	Johnson	Ratray
Ballard (Autauga)	Jones	Rice
Ballard (Pike)	Killen	Rowe
Benners	Lacy (Walker)	Rushton
Brown	Malone	Sample
Burney	Mayfield	Sanders
Carmichael	Middleton	Sanford
Coleman	Moore	Seale
Cooper	McCrory	Sherrod
Cranford	McCurdy	Smith (Elmore)
Cunningham	McDuffie	Smith (Lee)
Doyle (Clarke)	McMillan	Stollenwerck
Doyle (Marengo)	Parker	Tunstall
Dudley	Pearson	Turner
Edwards	Peete	Urquhart
Garner	Pitts (Dallas)	Vann
Glover	Pitts (Perry)	Wittmeier
Haley	Powell (Covington)	White (Lamar)
Henley	Price	Williams (Barbour)

—63

And the bill,

H. 79. To regulate the sale of food and drugs in the State of Alabama and to provide penalties for the violation thereof.

As amended by the substitute was read a third time at length and passed.

Yeas, 51; nays, 4.

Yeas:

Messrs. Speaker	Ballard (Pike)	Cooper
Altman	Benners	Cranford
Arnoid	Benson	Cunningham
Avery	Brown	Doyle (Clarke)
Ballard (Autauga)	Burney	Doyle (Marengo)

Dudley	Moore	Sanders
Edwards	McMillan	Seale
Fuller	Parker	Sherrod
Garner	Pitts (Dallas)	Smith (Elmore)
Haley	Pitts (Perry)	Stollenwerck
Hughes	Pugh	Tarrant
Jenkins	Ragsdale	Tunstall
John	Rattray	Urquhart
Johnson	Rice	Vann
Jones	Rowe	Wittmeier
Killen	Rushton	White (Lamar)
Long (Morgan)	Sample	Williams (Lee)
Mayfield		

—51

Nays:

Glover	Mitchell	Turner
Lyons		

—4

S. 58. To provide for the construction, maintenance, improvement, and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pugh
Altman	Hughes	Rainer
Arnold	Jenkins	Rattray
Avery	John	Rice
Baltzell	Jones	Rowe
Benners	Killen	Rushton
Benson	King	Sample
Brown	Kirby	Sanders
Bulger	Lawson	Sanford
Burney	Lindsey	Seale
Cannon	Lyons	Sherrod
Cooper	Malone	Smith (Elmore)
Cranford	Maner	Smith (Lee)
Crum	Mayfield	Tarrant
Dudley	Mitchell	Thompson
Edwards	Moore	Tunstall
Elrod	Parker	Turner
Fuller	Pearson	Urquhart
Garner	Peete	Vann
Glover	Pratt	Wittmeier
Gunter	Price	Woolf
Haley		

—64

H. 201. To provide for the payment of fees and necessary expenses incurred in the capture of criminals who flee into another State, and who, when captured, return without requisition from the Governor.

Was read a third time at length, and passed.

Yeas 65; nays, 1.

Yeas:

Messrs. Speaker	Cannon	Dudley
Altman	Carmichael	Edwards
Ballard (Pike)	Coleman	Fuller
Barton	Cooper	Garner
Benners	Cranford	Glover
Benson	Cunningham	Haley
Brown	Doyle (Clarke)	Henley
Burney	Doyle (Marengo)	Hughes

John	McMillan	Seale
Johnson	Parker	Sherrod
Jones	Pearson	Smith (Elmore)
Killen	Pitts (Dallas)	Stollenwerck
Kirby	Pitts (Perry)	Tarrant
Lacy (Walker)	Price	Tunstall
Long (Butler)	Pugh	Turner
Long (Morgan)	Rainer	Urquhart
Malone	Rattray	Vann
Mayfield	Rice	Wittmeier
Mitchell	Rowe	White (Lamar)
Moore	Rushton	Williams (Barbour)
McCurdy	Sample	Wolf
McDuffie	Sauford	

—65

Nays:
Mr. Lyons.

—1

On motion of Mr. Rattray, the bill, H. 201, was ordered sent forthwith to the Senate without engrossment.

H. 264. To fix the time of holding the circuit court in the third judicial circuit of the State of Alabama.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Lindsey
Altman	Fuller	Lyons
Arnold	Garner	Malone
Avery.	Glover	Maner
Baltzell	Gunter	Mitchell
Benners	Haley	Moore
Benson	Henley	Norville
Brown	Hughes	Oliver
Bulger	Jenkins	Pearson
Burney	John	Pcete
Cannon	Jones	Pratt
Coleman	Killen	Rice
Cooper	King	Pugh
Crum	Kirby	Rainer
Dudley	Lancaster	Rattray
Edwards	Lawson	Rice

Rowe	Sherrod	Tunstall
Rushton	Smith (Elmore)	Turner
Sample	Smith (Lee)	Urquhart
Sanders	Tarrant	Vann
Sanford	Thompson	Woolf
Seale		

—64

On motion of Mr. Garner the bill, H. 264, was ordered sent forthwith to the Senate without engrossment.

H. 159. To refund to the city of Tuscaloosa the mortgage tax paid by it on the deed of trust executed to secure the payment of the bonds of the city of Tuscaloosa issued for the purpose of buying the waterworks of the city of Tuscaloosa and extending the same.

Was read a third time, at length, and lost.

Yeas, 26; nays, 29.

Yeas:

Messrs. Speaker	Haley	Rattray
Altman	Lacy (Walker)	Rice
Berners	Lyons	Rushton
Bulger	Mitchell	Seale
Carmichael	McMillan	Tarrant
Coleman	Pearson	Tunstall
Garner	Pitts (Dallas)	Williams (Barbour)
Glover	Pitts (Perry)	Woolf
Gunter	Pugh	

—26

Nays:

Ballard (Autauga)	Kirby	Rowe
Barton	Lee (Houston)	Sample
Burney	Lindsey	Sherrod
Cannon	Long (Butler)	Smith (Elmore)
Cranford	Long (Morgan)	Smith (Lee)
Cunningham	Malone	Stollenwerck
Dudley	Moore	Vann
Edwards	Norville	White (Lamar)
Fuller	Powell (Covington)	Williams (Lee)
Killen	Rainer	

—29

H. 277. To provide for the protection of secret orders, societies and fraternities.

Was read a third time at length, and passed.

Yeas, 70; nays, 1.

Yeas:

Messrs. Speaker	Johnson	Rainer
Altman	Jones	Rattray
Arnold	Killen	Rice
Ballard (Antauga)	King	Rowe
Ballard (Pike)	Kirby	Rushton
Barton	Lee (Houston)	Sample
Benners	Long (Butler)	Sanders
Benson	Long (Morgan)	Seale
Brown	Malone	Sherrod
Burney	Mayfield	Smith (Elmore)
Carmichael	Mitchell	Smith (Lee)
Coleman	Moore	Stollenwerck
Cunningham	McCurdy	Tarrant
Doyle (Marengo)	McDuffie	Thompson
Dudley	McMillan	Tunstall
Edwards	Norville	Turner
Fuller	Parker	Urquhart
Garner	Peete	Vann
Glover	Pitts (Dallas)	Wittmeier
Haley	Pitts (Perry)	White (Lamar)
Henley	Powell (Covington)	Williams (Barbour)
Hughes	Price	Williams (Lee)
Jenkins	Pugh	Woolf
John		

—70

Nays:

Mr. Cannon.

—1

MOTION TO RECONSIDER.

Mr. Lee, of Honston, moved to reconsider the vote by which the bill, H. 159, was passed and further moved that the motion to reconsider be postponed until tomorrow morning.

Mr. Long, of Butler, moved to table the motion to reconsider and the motion to table was lost.

And the motion of Mr. Lee, of Houston, to postpone the motion to reconsider prevailed.

H. 188. To amend section 1912 of the Code.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Glover	Pitts (Dallas)
Altman	Haley	Pitts (Perry)
Arnold	Henley	Powell (Covington)
Avery	Hughes	Pugh
Ballard (Autauga)	John	Rainer
Ballard (Pike)	Jones	Rice
Barton	Killen	Rowe
Benness	Kirby	Rushton
Benson	Lacy (Walker)	Sample
Brown	Lee (Houston)	Sanford
Burney	Long (Butler)	Seale
Cannon	Long (Morgan)	Sherrad
Carmichael	Lyons	Smith (Elmore)
Coleman	Malone	Smith (Lee)
Cooper	Mayfield	Stollenwerck
Cunningham	Mitchell	Tarrant
Doyle (Clarke)	Moore	Turner
Doyle (Marengo)	McCurdy	Wittmeier
Dudley	McMillan	Williams (Barbour)
Edwards	Parker	Williams (Lee)
Fuller	Pearson	Woolf
Garner		

—64

Nays:

Mr. McDuffie.

—1

H. 238. To authorize the city of Graymont, Alabama, to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the city of Graymont, and for the purpose of acquiring a site and building a school house thereon and equipping the same.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Price
Altman	Hughes	Pugh
Arnold	Jenkins	Rainer
Arrington	John	Rattray
Avery	Johnson	Rice
Benners	Jones	Rowe
Benson	King	Rushton
Brown	Kirby	Sample
Bulger	Lawson	Sanders
Burney	Lindsey	Sanford
Cannon	Lyons	Seale
Coleman	Malone	Sherrod
Cooper	Mayfield	Smith (Elmore)
Crum	Mitchell	Smith (Lee)
Dudley	Moore	Tarrant
Edwards	Norville	Thompson
Elrod	Oliver	Tunstall
Fuller	Parker	Turner
Garner	Pearson	Urquhart
Glover	Peete	Vann
Gunter	Pratt	Voelf
Haley		

—64

H. 98. To amend section 7421 of the Code of Alabama, of 1907.

Was read a third time at length, and passed.

Yeas, 50; nays, 5.

Yeas:

Messrs. Speaker	Cooper	Lindsey
Alford	Cunningham	Long (Morgan)
Altman	Dudley	Mayfield
Avery	Edwards	Mitchell
Ballard (Pike)	Glover	Moore
Barton	Henley	McCurdy
Benners	John	McMillan
Brown	Johnson	Pitts (Dallas)
Bulger	Jones	Pitts (Perry)
Burney	Killen	Powell (Covington)
Cannon	Kirby	Price
Carmichael	Lee (Barbour)	Rainer

Ratray	Seale	Vann
Rice	Sherrod	Wittmeier
Rowe	Tarrant	White (Lamar)
Rushton	Turner	Williams (Barbour)
Sanders	Urquhart	

—50

Nays :

Haley	Long (Butler)	Woolf
Jenkins	Sample	

—5

H. 256. To make an additional appropriation of sixty thousand dollars for feeding prisoners in county jails.

Was read a third time at length, and passed.

Yeas, 63; nays, 3.

Yeas :

Messrs. Speaker	Haley	Pearson
Alford	Henley	Peete
Altman	Jenkins	Pitts (Perry)
Avery	John	Powell (Covington)
Ballard (Autauga)	Johnson	Price
Ballard (Pike)	Jones	Pugh
Benners	Killen	Rainer
Benson	King	Ratray
Brown	Kirby	Rice
Bulger	Lacy (Walker)	Rowe
Burney	Lee (Barbour)	Rushton
Carmichael	Lee (Houston)	Sanders
Coleman	Long (Butler)	Sanford
Cooper	Long (Morgan)	Seale
Doyle (Clarke)	Malone	Sherrod
Doyle (Marengo)	Mayfield	Smith (Elmore)
Dudley	Mitchell	Stollenwerck
Edwards	Moore	Tunstall
Fuller	McDuffie	Turner
Garner	McMillan	Wittmeter
Glover	Oliver	Woolf

—63

Nays :

McCurdy	Smith (Lee)	White (Lamar)
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—3

On motion of Mr. John, the bill H. 256 was ordered sent forthwith to the Senate without engrossment.

ADJOURNMENT.

The hour of five o'clock having arrived the House adjourned until 10 o'clock tomorrow morning.

THIRTEENTH DAY.

House of Representatives,

MONTGOMERY, Ala., Thursday, August 12, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Price of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Coleman	Hughes
Alford	Cooper	Jenkins
Altman	Cranford	John
Arnold	Crum	Johnson
Arrington	Cunningham	Jones
Avery	Doyle (Clarke)	Killen
Ballard (Autauga)	Doyle (Marengo)	King
Ballard (Pike)	Dudley	Kirby
Baltzell	Edwards	Lacy (Walker)
Barton	Elrod	Lancaster
Benners	Fuller	Lawson
Benson	Garner	Lee (Barbour)
Brown	Glover	Lee (Etowah)
Bulger	Gunter	Lee (Houston)
Burney	Haley	Lindsey
Causton	Henley	Long (Butler)
Carmichael	Hoffman	Long (Morgan)

Lyons	Pitts (Perry)	Smith (Etowah)
Malone	Powell (Covington)	Smith (Lee)
Maner	Pratt	Stollenwerck
Mastin	Price	Tarrant
Mayfield	Pugh	Thompson
Middleton	Rainer	Tunstall
Moore	Ratray	Turner
McCrory	Rice	Urquhart
McCurdy	Rowe	Vann
McDuffie	Rushton	Wittmeler
McMillan	Sample	White (Lamar)
Norville	Sanders	Williams (Barbour)
Parker	Sanford	Williams (Barbour)
Pearson	Seale	Williams (Lee)
Peete	Sherrod	Woolf
Pitts (Dallas)	Smith (Elmore)	

—98

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the twelfth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the 12th day was approved.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. J. A. Coleman, a former member of the House, of Lowndes county, and to Hon. J. C. Carmichael, of Jefferson; and Messrs. C. B. Thomas, W. C. McKnight, W. R. Chapman and Prof. Kelly, of Marengo county, and to Hon. W. J. Dansby, of Choctaw county, for today.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 53. (With amendment.) To amend section 3793 of the Code of Alabama of 1907, by adding thereto a subdivision numbered 7.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 36. Regulating the hearing of objections because of multifariousness or misjoinder to bills or petitions in equity; providing for amendment or voluntary dismissal of bills or petitions after the objection shall have been sustained, and for a renewal of the suit or petition, or the part thereof held to be multifarious or to be misjoined, so as that the renewal or renewals made in accordance with the terms of the act shall be part or parts of the *lis pendens* of the original suit or petition, and shall not be barred by any statute of limitations, rule of repose or of prescription or defense of laches, if said statute, rule or defense was not a bar to the original suit or petition.

S. 52. To amend section 2868 of the Code of Alabama.

S. 74. To amend section 5304 of the Code of 1907.

Mr. Pitts, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 330. To prohibit the sale of adulterated seed for planting or sowing purposes in Henry county, Alabama.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 331. To protect the traveling of the people upon the public roads of Henry county, Alabama.

H. 337. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act together with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof to the Morgan county law and equity court.

Mr. Lindsey, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute:

S. 40. To make it unlawful to use nets, seines, or any devices or substitutes for the same, in streams or bodies of water emptying into salt water or tide water; to provide for a closed season on bass, trout, mullet and red fish; and to limit the size of the mesh of seines used in salt water.

Mr. Pitts, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 326. To amend section 7692 of the Code of 1907.

H. 328. To amend section 2229 of the Code of 1907.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 303. To require all prosecutions in municipal, police, or recorder's courts, for violations of the laws of

Alabama to be carried on in the name of "The State of Alabama," as required by section 170 of the Constitution, and prosecutions for violations of municipal ordinances to be carried on in the name of municipality; and to declare the effect of judgments of such courts.

H. 132. To regulate the priority of assignments.

H. 136. To regulate the assignment of or orders for wages, salary or other compensation.

H. 321. To better define money lent, solvent credits, or credits of value so as to include such as are secured by mortgage, deed of trust, or written contract of conditional sale, upon which a tax is imposed by law and paid at the time such instrument is filed for record provided the amount of such privilege tax shall be deducted from the amount of such instrument at the first assessment of such instrument so recorded and to repeal all laws and parts of laws in conflict with the provisions of this act.

RECOMMITTAL OF BILL.

Mr. Haley, chairman of the standing committee on Local Legislation, returned to the House, the bill,

H. 329. To make appropriation for the benefit of the Southern Industrial Institute at Camp Hill, Ala.

With the request that the bill be referred to the standing committee on Appropriations, and the bill, H. 329, was referred to the standing committee on Appropriations.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Urquhart called up his motion to take the bill, H. 6, from the adverse calendar and place the bill on the regular calendar.

Mr. Long, of Butler, moved to table the motion of Mr. Urquhart, and the motion to table was lost.

Yeas, 37; nays, 46.

Yeas:

Alford	Johnson	McDuffie
Arnold	Lacy (Walker)	Norville
Avery	Lawson	Parker
Baltzell	Lee (Barbour)	Pitts (Perry)
Barton	Lee (Etowah)	Pugh
Bulger	Lee (Houston)	Rice
Cranford	Lindsey	Sanders
Doyle (Clarke)	Long (Butler)	Sanford
Edwards	Long (Morgan)	Smith (Elmore)
Elrod	Lyons	Smith (Etowah)
Gunter	Malone	Tunstall
Hoffman	Maxtin	Williams (Barbour)
Jenkins		

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Nays:

Messrs. Speaker	John	Price
Altman	Jones	Rattray
Ballard (Autauga)	Killen	Rowe
Ballard (Pike)	Kirby	Rushton
Benness	Maner	Sample
Benson	Mayfield	Sherrod
Brown	Mitchell	Smith (Lee)
Burney	Moore	Stollenwerck
Cannon	McCrorry	Tarrant
Carmichael	McCurdy	Turner
Crum	McMillan	Urquhart
Cunningham	Pearson	Wittmeier
Doyle (Marengo)	Peete	White (Lamar)
Glover	Powell (Covington)	Williams (Lee)
Haley	Pratt	Woolf
Hughes		

—46

And the bill,

H. 6. To authorize larger cities of the State to adopt the commission form of government and to provide a system for such government.

Was taken from the adverse calendar and was read a second time and placed on the calendar.

Mr. Hoffman called up his motion to reconsider the vote by which the bill H. 209 was passed.

Mr. Smith, of Lee, moved to table the motion of Mr. Hoffman, and the motion to table was lost.

Yeas, 12; nays, 63.

Yeas:

Messrs.

Alford	Lee (Houston)	McDuffie
Edwards	Long (Butler)	Norville
Gunter	Lyons	Smith (Lee)
Hoffman	Mastin	Woolf

—12

Nays:

Messrs. Speaker	Haley	Powell (Covington)
Altman	Hughes	Pratt
Avery	John	Price
Ballard (Autauga)	Johnson	Pugh
Ballard (Pike)	Jones	Rattray
Baltzell	Killen	Rice
Barton	King	Rowe
Benners	Kirby	Rushton
Benson	Lee (Barbour)	Sanders
Brown	Lee (Etowah)	Sanford
Bulger	Long (Morgan)	Sherrod
Burney	Malone	Smith (Elmore)
Cannon	Maner	Smith (Etowah)
Carmichael	Mayfield	Stollenwerck
Cranford	Mitchell	Tarrant
Crum	Moore	Turner
Cunningham	McCrory	Urquhart
Doyle (Marengo)	McMillan	Vann
Elrod	Pearson	Wittmeier
Fuller	Peete	White (Lamar)
Glover	Pitts (Perry)	Williams (Lee)

—63

And the motion of Mr. Hoffman to reconsider the vote by which the bill was passed prevailed.

On motion of Mr. Haley, the vote by which the bill was ordered to a third reading was reconsidered.

Mr. John offered the following amendment to the bill,

Amend section 1 by adding thereto these words: Provided, that no council, or board of aldermen shall have

the power or authority to permit or license any amusement or game which is forbidden by the laws of Alabama.

On motion of Mr. Lyons the bill H. 209 and amendment offered by Mr. John were indefinitely postponed.

MOTION TO TAKE FROM THE ADVERSE CALENDAR.

Mr. Lee, of Barbour, called up his motion to take from the adverse calendar the bills, H. 316 and H. 317, from the adverse calendar.

On motion of Mr. Tunstall the motion of Mr. Lee, of Barbour, was laid upon the table.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Mayfield.

H. 341. To require every person coming into the possession of any of the beverages prohibited by law in this State to make at the time, and to keep, a memorandum of the name of the person from whom such possession was obtained with the date, and subscribed by him and to surrender such memorandum to any solicitor, sheriff or deputy sheriff or any police officer upon written request, and to prescribe punishment for the violations of this act.

Temperance.

By Mr. Wittmeier. (By request.)

H. 342. To amend section 7692 of Code of 1907.

Appropriations.

By Mr. Doyle, of Marengo. (With notice and proof.)

H. 343. For the relief of J. R. Harper, a confederate soldier.

Appropriations.

Notice and proof H. 343 :

NOTICE.

Notice is hereby given that at the extra session of the Legislature there will be a bill introduced for the relief of J. R. Harper, an old confederate veteran.

CHAS. HAWKINS.

State of Alabama, }
Marengo County. }

I, Lamar Matkin, publisher of the Marengo Democrat, a newspaper published weekly at Linden, in said State and county, hereby certify that the notice of a bill for the relief of J. R. Harper, a copy of which is heretofore attached appeared in said newspaper for three consecutive weeks, beginning on July 22nd and ending on August 5th, 1909, and said newspaper was mailed regularly to its various subscribers.

LAMAR MATKINS, Publisher.

Subscribed and sworn to before me on this the 6th day of August, A. D., 1909. I. I. CANTERBURY, N. P.
By Mr. John.

H. 344. To regulate the appointment by sheriffs of special deputies and prescribe their qualifications and define the liabilities of those who recommend the appointment of the special deputies and pay them.

Judiciary.

By Mr. Woolf.

H. 345. To authorize the tax collectors of the State to pay over funds collected by them under special, general or local laws which have been repealed, or the levy declared null and void.

Ways and Means.

By Mr. Hoffman. (With notice and proof.)

H. 346. To repeal an act entitled an act to require the county of Mobile to pay one-fourth of the annual cost of repairing, opening, widening, cleaning and maintaining the streets and draining of the city of Mobile, approved February 27th, 1901.

Local Legislation.

Notice and proof H. 346:

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama, at its next session, convening on July 27th, for the passage of a local or special law for the county of Mobile, the substance of the proposed being:

The repeal in its entirety of the local law for said county entitled "An act to require the county of Mobile to pay one-fourth of the annual cost of repairing, opening, widening, cleaning and maintaining the streets and draining of the city of Mobile," as found in the acts of Alabama of 1900-01, page 1267, and approved February 27th, 1901.

State of Alabama, }
Mobile County. }

Before me, the undersigned authority, personally appeared M. P. Dowling, who is known to me, and who being by me first duly sworn, does depose and say upon oath:

I am the bookkeeper for The Mobile Item; I have personal knowledge that the foregoing notice was published in The Mobile Item, a newspaper published in the city and county of Mobile, once a week for four consecutive weeks, towit, on July 20th, July 27th, August 3rd and August 10th, 1909.

M. P. DOWLING.

Subscribed and sworn to before me this 11th day of August, 1909.

CLARA M. STOKES,

Notary Public, Mobile County, Ala.

By Mr. Lacy, of Walker. (With notice and proof.)

H. 347. To amend section one of an act entitled an act to make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court or before the judges or grand juries of either of said courts.

Local Legislation.

Notice and proof H. 347:

NOTICE.

Notice is hereby given that at the extraordinary session of the Legislature of Alabama which will be convened on or about the 27th day of July, 1909, a bill will be introduced the substantial provisions of which will be to amend section 1 of an act entitled an act, to make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court, or before the judges or grand juries of either of said courts, so as to make said section of said act read as follows:

Section 1. That the treasurer of Walker county, Alabama, shall each year out of the first moneys received by him to the credit of the general fund of said county, set apart and pay into the witness fund of said county the sum of five thousand dollars.

ERNEST LACY.

The State of Alabama, }
Walker County. }

Before me, C. L. Norvell, a notary public in and for said State and county, this day personally appeared Frank V. Evans, who being by me duly sworn, deposes and says that he is the editor and publisher of the Walker County News, a newspaper published at Jasper, in Walker county, Alabama, and that he was such editor and publisher on, to wit: the 16th day of July, 1909, and has continuously been such since that date. Affiant further says that the notice, a copy of which is attached to this affidavit, and made a part thereof, was published in the said Walker County News, a newspaper published at Jasper, in Walker county, Alabama, as aforesaid, once a week for four consecutive weeks, commencing on to wit: the 16th day of July, 1909.

FRANK V. EVANS.

Sworn to and subscribed before me on this 11th day of July, 1909.

C. L. NORVELL,
Notary Public.

By Mr. Smith, of Elmore.

H. 348. To fix the times of holding in each year circuit court of Elmore county in the fifteenth judicial circuit of the State of Alabama, and to repeal all other laws in conflict with this act.

Judiciary.

By Mr. Rice.

H. 349. To refund to municipal corporations of Alabama the tax paid by such corporations for recording mortgages and deeds of trust securing the bonds issued by such municipal corporations.

Appropriations.

By Mr. Bulger. (With notice and proof.)

H. 350. To authorize the commissioners' court of Tallapoosa county to pay to P. A. Jackson, editor and proprietor of the Tallapoosa Courier, a newspaper published in Tallapoosa county, seventy-four dollars out of the county treasury for services rendered in printing and publishing the report of the treasurer of said county made in the year 1907.

Local Legislation.

Notice and proof H. 350:

NOTICE.

Notice is hereby given that a bill will be introduced into the extraordinary session of the Legislature of Alabama to convene on July 27th, 1909. The substance of which will be an act to authorize the treasurer of Tallapoosa county to pay P. A. Jackson seventy-four dollars (\$74.00) out of any money in the treasury not otherwise expended for services rendered in printing and publishing the report of said treasurer made in the year 1907.

P. A. JACKSON.

State of Alabama, }
Tallapoosa County. }

Personally appeared before me, F. B. Ticknor, notary public in and for said county and State, F. B. Ticknor, who being first sworn by me, says that he is the editor

and publisher of the Tallapoosa Courier, a weekly newspaper published in said county and State, and that the hereto attached notice was published in said paper four consecutive weeks, as follows: July 15th, July 22nd, July 29th, and August the 4th, 1909.

F. B. TICKNOR.

Sworn and subscribed to before me, this the 5th day of August, 1909.

J. PERCY OLIVER,
Notary Public.

By Mr. Arnold. (By request.)

H. 351. To amend section 7692 of Code of 1907.
Judiciary.

By Mr. Arnold. (By request.)

H. 352. To provide for the better compensation of sheriffs in this State.

Penitentiary and Criminal Administration.

By Mr. McMillan.

H. 353. To amend section 3322 of the Code of 1907.
Revision of Laws.

By Mr. Rowe.

H. 354. To promote and secure the erection of cotton mills and factories in the State of Alabama.

Ways and Means.

By Mr. Gunter.

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred instalments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

Municipal Organization.

RESOLUTION.

The following resolution was introduced:

H. J. R. 59. By Mr. Sanford:

A JOINT RESOLUTION.

A joint resolution to propose an amendment to the constitution of the State of Alabama for the purpose of amending section 39 of article 2 thereof and to order an election for its ratification.

Be it resolved by the House of Representatives, the Senate concurring, that there shall be and there is hereby proposed an amendment to the constitution of the State for the purpose of amending the first part of section 39, article 2 thereof, which stands in these words and figures:

“Section 39. The Legislature may by a two-thirds vote, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new counties shall be formed hereafter of less than six hundred square miles, and no existing counties shall be reduced to less than 600 square miles.”

So as to make them stand and read in words and figures as follows:

Section 39. The Legislature may by a two-thirds vote arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new counties shall be formed hereafter of less extent than 500 square miles, and no existing counties shall be reduced to less than 500 square miles.

Section 2. And be it further resolved, That there shall be and there is hereby an election ordered to be held by the qualified electors of the State on and at the regular election to be held in November, 1910, to vote on the above proposed constitutional amendment, and the Governor of the State shall by proclamation, give notice of this election with a copy of the proposed amendment and cause the same to be published once a week for eight

consecutive weeks next preceding the day of the election in a newspaper published in each county of the State in which a newspaper is published—and by posting a copy of the same at the courthouse of each county in which no newspaper is published.

The above resolution was on this day read one time at length and placed on Clerk's desk for second reading on tomorrow.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14th, 1907, and to validate and confirm issues of bonds made under said act.

H. 240. To repeal so much of an act entitled "An act to provide for more efficient working of the public roads in Greene, Lowndes and Perry counties, and appointment of district road inspectors for Greene, Lowndes, and Perry counties, approved February 12, 1897, as relates to Lowndes county."

H. 241. To repeal so much of an act entitled "An act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18, 1899," as relates to Lowndes county.

H. 242. To repeal an act entitled "An act to secure better public roads and bridges in Lowndes county, approved February 17, 1885."

H. 280. To abolish the county court of Shelby county of which the judge of probate is ex-officio the judge, and to provide for the transfer of all cases pending in said abolished court to the county court of Shelby county, established by this special session of the Legislature.

H. 281. To establish a county court for the county of Shelby.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the Constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 92. To amend section 545 of chapter 17 of the Code.

S. 123. To repeal an act approved November 23, 1907, entitled an act to provide for a license tax of one dollar on each dog over the age of three months kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license.

And sends same to the House herewith with notice and proof attached and herewith exhibited as follows:

Notice of application to the Legislature to repeal the
Russell county law requiring a license tax on dogs.

To all whom it may concern—greeting:

Notice is hereby given of our intention to apply to the special session of the Legislature of Alabama to convene on the 27th day of July, 1909, to repeal act No. 81 of said Legislature approved November 23rd, 1907, entitled, "An act to provide for a license tax of one dollar on each dog, over the age of three months, kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license.

Witness our hands, July 12, 1909.

W. H. BANKS,
O. C. THIGEN,
T. S. DAVIS,
And others.

The State of Alabama, }
Russell County. }

Before me, H. T. Benton, judge of probate in said county, came this day W. H. Chadwick, who, being by me duly sworn, deposes and says, that he is one of the publishers of the Russell Register, a weekly newspaper published in the town of Scale, in said county, and that the notice hereto attached and made a part of this affidavit, was published in said newspaper once a week for four consecutive weeks, commencing on the 16th day of July, 1909, and ending on the 6th day of August, 1909.

W. H. CHADWICK.

Sworn to and subscribed before me this 6th day of August, 1909. H. T. BENTON, Judge of Probate.

S. 22. To appropriate the sum of \$30.00 for the year 1905, and the further sum of \$30.00 for the year 1907, and the further sum of \$30.00 for the year 1908, total \$90.00, to W. N. Clifton, of Randolph county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years.

And sends same herewith to the House with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill, in substance as follows, will be introduced in the extra session of the Legislature of Alabama:

A bill to be entitled an act to appropriate the sum of \$30.00 for the year 1905, and the further sum of \$30.00 for the year 1907, and the further sum of \$30.00 for the year 1908, total \$90.00, to W. N. Clifton, of Randolph county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years.

Sec. 1. Be it enacted by the Legislature of Alabama, That the sum of \$30.00 for the year 1905, and the further sum of \$30.00 for the year 1907, and the further sum of \$30.00 for the year 1908, total 90.00, be and the same is hereby appropriated for the benefit of W. N. Clifton, of Randolph county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years, and the auditor is hereby authorized and directed to draw his warrant or warrants therefor, for the said sum of \$90.00, upon the treasurer in favor of said W. N. Clifton and the treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

This June 14, 1909.

W. N. CLIFTON.

The State of Alabama, }
Randolph County. }

Before me, W. L. Stewart, clerk, in and for said county and State, personally appeared Isaac L. Ballew, editor of the Randolph Star, a newspaper published in county of Randolph, Alabama, and being duly sworn,

says a notice of which the attached is a true copy was published in said newspaper once a week for four consecutive weeks beginning on the 17th day of June, 1909.

ISAAC L. BALLEW, Editor.

Sworn to and subscribed before me this the 24th day of July, 1909.

W. L. STEWART,
Clerk Circuit Court.

S. 8. To legalize and confirm all appropriations heretofore made by the commissioners' court of Etowah county to aid in the erection of what is known as the Emma Sansom monument at Gadsden, Alabama; to aid in the erection of the building for the State high school for Etowah county at Attalla, Alabama; and to aid in the relief of those injured in the cyclone at Albertville, Alabama, at the time that city was wrecked by cyclone.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the coming extraordinary session of the Legislature the following bill will be introduced:

A bill to be entitled an act to legalize and confirm all appropriations heretofore made by the commissioners' court of Etowah county to aid in the erection of what is known as the Emma Sansom monument at Gadsden, Alabama; to aid in the erection of the building for the State high school for Etowah county, at Attalla, Alabama; and to aid in the relief of those injured in the cyclone at Albertville, Alabama, at the time that city was wrecked by cyclone.

Be it enacted by the Legislature of Alabama, That whereas the commissioners' court of Etowah county has heretofore donated and appropriated money from the county treasury for the purpose of aiding in the erection of what is known as the Emma Sansom monument at Gadsden, Alabama; and for the purpose of aiding in the erection of the building for the State high school for

Etowah county at Attalla, Alabama; and also for the relief of those injured in the cyclone at Albertville, Alabama, at the time that city was wrecked by a cyclone; and whereas it is believed by some that such appropriations were not in accordance with the law; therefore each of said appropriations are now hereby legalized and confirmed in all respects the same as if they had been in every way legal at the time they were made.

E. D. HAMNER.

J. W. MILLS, Deponent.

State of Alabama, }
County of Etowah. }

Before me, Thomas Ventress, a notary public in and for the county and State aforesaid, appeared J. W. Mills, publisher of The Attalla Herald, a weekly newspaper published in Attalla, Alabama, and who being duly sworn deposes and says that the advertisement which is annexed hereto and made a part hereof, appeared in The Attalla Herald in the regular issue thereof, on the following dates: July 1st, July 8th, July 15th, and July 22nd, 1909, same being once each week for four consecutive weeks."

Sworn and subscribed to before me this 23rd day of July, 1909.

THOMAS VENTRESS,
Notary Public.

And sends same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Public Health, S. 92.

Local Legislation, S. 123, S. 8.

Appropriations, S. 22.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read at length and referred to the standing committee on Judiciary:

To the House of Representatives:

I am enclosing you a letter from Hon. S. H. Dent, congressman from the second congressional district, regarding the figurehead on the bow of the battleship Alabama. Please let me know the pleasure of the House in this matter.

Yours very truly,
B. B. COMER, Governor.

Aug. 12, 1909.

COPY.

July 17th, 1909.

Hon. B. B. Comer,
Governor of Alabama,
Montgomery, Alabama.

Dear Governor:

A recent order of the Navy Department requiring the war ships to be painted some dark color necessitates the removal of what is called the figurehead on the bow. It is the disposition of the Department to loan these to the different States after which the vessels were named, if the Governor of the State so desires.

I have made a request upon the Department for the figurehead belonging to the Alabama, and feel assured that I can procure the same as a loan to be placed in or about the Capitol for an ornament. This ornament is a shield and schroll, six and one half feet high and eight feet long on each side.

The only expense that the State would have to go to would be the freight charges, which are very small, from the point of delivery by the government to Montgomery, Alabama, and, of course, whatever cost is necessary in putting the ornament up and having it gilded, if this is found desirable.

The weight of the Alabama ornament is 2767 lbs. I do not know whether you desire this or not, or whether or not there is any appropriate place about the capitol for it, but a number of Representatives from other States have made requests for their States, and expect to use them. Representing, as I do, the District in which the capitol is located, I felt as if I ought to make a request on behalf of Alabama, and then submit the matter to your judgment.

I would be pleased to hear from you as early as possible, so that if you do not see fit to take advantage of this opportunity, or to look further into it, I may withdraw my application.

I have never seen one of these ornaments, but have seen a picture of one, and I have a general idea as to its character. If necessary, I will be willing to make a trip to Norfolk, where an ornament similar to that on the Alabama may be seen. The Alabama is now out of commission in the Brooklyn Navy Yards.

Yours respectfully,

Signed: S. H. DENT, JR.

MOTION WITHDRAWN.

Mr. McCurdy asked unanimous consent to withdraw his motion to reconsider the vote by which the bill H. 104 was passed. Consent was granted and the motion was withdrawn.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

II. 45. To submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday in November, 1910, for their consideration an amendment to section 96 of article IV of the constitution, so that the Legislature may, by either a general or local law, prescribe the fees, compensation or fixed salary which any county officer in any one of the counties of this State may receive, and so that the Legislature may provide that any one or more of the county officers, in any one or more of the counties of this State shall receive compensation by a fixed salary in lieu of fees or commissions.

ERNEST LACY, Chairman.

The report of the standing committee on Engrossed Bills was concurred in.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 79. To regulate sale of food and drugs in the State of Alabama, to provide for enforcement and inspectors and prescribe penalties for violation thereof.

H. 266. To amend section 6262 of the Code of Alabama.

H. 98. To amend section 7421 of the Code of Alabama of 1907.

H. 188. To amend section 1912 of the Code.

H. 300. To amend section 3488 of the Code of Alabama of 1907.

H. 277. To provide for the protection of secret orders, societies and fraternities.

H. 238. To authorize the city of Graymont, Alabama, to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the city of Graymont, and for the purpose of acquiring a site and building a school house thereon and equipping the same.

H. 228. To amend an act entitled "An act to alter and rearrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31, 1907.

ERNEST LACY, Chairman.

The report of the standing committee on Engrossed Bills was concurred in.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 106. An act to fix the times of holding in each year, the circuit courts of Chilton county in the fifteenth judicial circuit of the State of Alabama, and to repeal former laws fixing the times for holding said courts.

H. 146. An act to better provide for the payment of the fees of State witnesses in criminal cases in the circuit and county courts and before the grand jury of Choctaw county, to make appropriations therefor, and to fix the amount of such fees.

H. 222. An act to fix the salaries of the judge and associate judge of the city court of Montgomery.

H. 185. To authorize and direct the court of county commissioners of Hale county to pay for advertising the notice of local bills introduced in the Legislature for said county out of any money in the treasury of the county not otherwise appropriated, when the bill applies to the entire county, and is published by the authority and request of a member of the Legislature from said county. And this act is to apply to and include all local bills for Hale county that were enacted into law during the session of 1907, and specifically the Hale county road law, this present bill, and no other.

H. 144. An act to create the office of county solicitor for Conecuh county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

H. 158. To amend section 2 of an act approved February 18th, 1895, entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23, 1893;" and to amend section 2 of an act approved February 8th, 1899, entitled "An act to amend sections six (6) and twenty-five (25) of an act approved February 18, 1895, entitled 'An act to amend an act entitled an act to establish a city court for the county of Talladega,' approved February 23rd, 1893."

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

REPORT OF JUDICIARY COMMITTEE.

Mr. John, chairman of the standing committee on Judiciary, made the following report, which was ordered spread upon the Journal:

Mr. Speaker:

The Judiciary committee having considered H. resolution 31, by Mr. Mitchell, which directed this committee to consider what sections printed in the Code are not a part thereof and depend upon the validity of the original acts, respectfully return the resolution to the House and report:

The question raised by the resolution is a very important one, and one which concerns the people and the officers charged with the construction and enforcement of the law, and which should be settled; and in order to settle it in an authoritative way, the committee requested Mr. Gunter to prepare and introduce a bill to adopt the printed Code from sections 1 to 7900, both inclusive.

This bill has been passed by the House and if it becomes a law, will prove a great relief to the legal profession and the judiciary. Respectfully submitted,

SAM WILL JOHN, Chairman.

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the bill,

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the Journals required by the constitution, and to provide a competent examiner of the Journals and prescribe his duties and pay.

Mr. John offered the following substitute to the bill:

SUBSTITUTE BY JOHN.

A bill to be entitled an act to regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the jour-

nals, required by the constitution, and to provide a competent examiner of the journals and prescribe his duties and pay.

Section 1. Be it enacted by the Legislature of Alabama, That all bills introduced into either House must be written in a clear, legible hand with ink, or printed, or written on a type machine and shall be free of erasures or interlineations, and on paper of the size of legal cap, and shall not have any cover, or back attached thereto.

If any bill is offered, which does not comply with these requirements, it must be returned to the member offering it and not entered on the journal.

Sec. 2. The date of introduction and the committee to whom referred, shall be plainly endorsed thereon, and a corresponding entry made for the journal.

Sec. 3. The action of the committee on the bill shall be plainly endorsed on the bill, in this form: "This bill was referred to the-----standing committee on-----of the Senate (or House), acted upon, by such committee in session and returned therefrom with----amendment with the recommendation that it be----passed."

This endorsement must be signed by the chairman of the committee.

Sec. 4. All amendments recommended by the committee, shall be all written on one paper, or a complete substitute may be adopted and reported in place of the original.

The sheet, or sheets (containing amendments reported by the committee must have the number and title of the bill, endorsed thereon, with words, "Amendments reported by committee on-----or "Substitute reported by committee on----", all amendments whether reported by a committee, or offered in Senate, or House, must be on a full sheet of paper of legal cap size, and the appropriate place for the insertion of every amendment must be indicated on the margin of the bill, in red ink, by letters or numbers, corresponding with the numbers, or letters written on the several amendments.

Sec. 5. It shall be the duty of every chairman of a committee to have a red line drawn through the word "Section" and the words, "Be it further enacted," wherever they occur in any bill, so as to make it conform to the requirements of section 45 of the constitution.

Should any chairman neglect to strike out these words, it shall be the duty of the clerk, who engrosses, or enrolls the bill, to omit them entirely, and the appropriate committee of each house shall see that this is done and shall not report any bill, as correctly engrossed, which has these forbidden words in it.

Sec. 6. Whenever an engrossed bill is passed by the other House without any amendment, it need not be rewritten by the enrolling clerk, but he shall draw red ink lines through the words, "Engrossed," "A Bill," "To be entitled," and write the words "Enrolled" above the words "An Act," and put the proper spaces and titles of the offices of Legislature, who are to sign the act, and space for the Governor's approval, at the conclusion of the bill.

All bills and resolutions shall be engrossed and enrolled on type machines, under the direction of the Secretary of the Senate and Clerk of the House, who are responsible for the correct engrossing and enrolling of all bills and resolutions, who shall have authority to employ as many expert typewriters as may be needed to do this work.

Sec. 7. The Secretary of the Senate, with the approval of the President of the Senate, and the Clerk of the House, with the approval of the Speaker, shall employ as many journal clerks as may be necessary to record in the permanent journal, the proceedings of both Houses of the Legislature.

The proceedings of every legislative day must if practicable be entered in the permanent journal before either House assembles for the next legislative day.

Whenever the proceedings are so voluminous as that one journal clerk cannot record them as fast as they are enacted, other clerks must be employed and they may keep the journals alternately, that is, one clerk may record the proceedings of the Senate, or House, on the odd numbered legislative days and the other on the even numbered days.

The permanent journal may be written on loose leaves with a type machine, and whenever as many as five hundred pages have been written, they shall be immediately bound.

Every page must have the signature of the clerk who wrote it, at the bottom, attested by the Secretary, or Clerk, or of the chairman, or clerk of the committee on the Revision of the Journal.

Whenever the journal clerks are more than two days behind the proceedings of the Senate, they must report the fact to the President of the Senate, and whenever the journal clerks are more than two days behind the proceedings of the House, they shall report the fact to the Speaker, and these officers shall take such steps as will insure the correct record of the proceedings of the Legislature, and if necessary, shall recommend that the Legislature take recess for the time needed to bring the permanent journal up with the proceedings.

Sec. 7. In order to secure the entry upon the journals of the two Houses, of all entries required by the constitution, there shall be elected by the joint convention of the two Houses, assembled immediately after the approval of this act, an "Examiner of the journals of the Legislature, who shall hold office till the expiration of the term of office of the Senators and Representatives, who elected the examiner, and hereafter, as soon as the two Houses are organized, they shall assemble in joint convention and elect an "examiner of the journals of the Legislature," who shall hold office for the term of office of the legislators electing him.

Whenever in the judgment of the President of the Senate, or the Speaker of the House, the "examiner of the journals of the Legislature," neglects his duties, or is inefficient, or too slow, they shall request the Legislature to assemble in joint convention, remove the "examiner of the journals of the legislature" and elect another.

Sec. 8. The "examiner of the journals of the Legislature" shall be paid out of the State treasury, ten dollars for every day that, the President of the Senate and Speaker of the House are paid, upon the order of either of these officers.

Sec. 9. Whenever any act is enrolled, ready to be presented for signature, it must first be given to the "examiner of the journals of the Legislature," who shall examine the permanent journal, and see if there has been recorded therein, every entry, in reference to the bill in hand, which the constitution requires shall appear therein, and he shall then report in writing, in the form prescribed by the joint rule to be made on this subject, to the presiding officer of the House in which the bill originated, that the bill has passed through all the stages required by law and that every stage, or step, has been correctly recorded in the journal of both Houses, and this report shall be attached to the act and accompany it till it is signed by the presiding officer of the other House, when it shall be spread on the minutes of the House in which the bill originated. No bill shall be signed by the presiding officer of either House, unless the report in writing thereon, as required herein, is presented to him, at and before he signs the act.

Sec. 10. Every clerk, clerk of committee, or clerical assistant employed by any officer of the Legislature, or by any committee thereof, shall before entering upon the discharge of his duties, take the oath of office and further that he will not violate any rule of the Legislature, or either house thereof, or of any committee thereof.

Sec. 11. Any officer of either house of the Legislature, or clerk, or clerical assistant, or "examiner of the journal," who neglects to perform his duties, or neglects to make any entry which is his duty to make, or negligently makes an incorrect, or imperfect entry therein, is guilty of a misdemeanor, and any officer, clerk, or clerical assistant of the Legislature, or of any committee thereof, who knowingly and intentionally makes an incorrect entry, or knowingly does not make the entry required by law, is guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary for not less than two years, nor more than five years.

Sec. 12. The Secretary of the Senate, the Clerk of the House and the "examiner of the journals of the Legislature" shall, before entering upon the discharge of

their duties, enter into bond, payable to the State of Alabama, in the sum of five thousand dollars, with some reputable surety company doing business in Alabama, as surety thereon, to be approved by the Secretary of State and filed and recorded in his office. The premium on the bond shall be paid out of the State treasury on the order of the Governor.

The bonds provided for in this section shall be conditioned that the officer making the bond shall faithfully and effectually perform all the duties required of him by law, or any rule of the Legislature, or of either house thereof, and to pay the penalty of two hundred dollars, in case any act of the Legislature is declared invalid by the Supreme Court of Alabama, because of the failure of the journal to show that it was passed as required by the constitution, when such failure is the result of the intentional or willful act of the officer.

Whenever the failure, or defect, appears in the Senate journal, then the Secretary of the Senate shall be liable on his bond for two hundred dollars of the penalty thereof.

Whenever the failure, or defect, appears in the House journal, the Clerk of the House shall be liable on his bond for two hundred dollars of the penalty thereof, and in any such case the "examiner of the journals of the Legislature" shall be liable on his bond for two hundred dollars of the penalty thereof.

Sec. 13. The offices of engrossing clerk and enrolling clerk of the House, and enrolling clerk of the Senate, are hereby abolished, after the expiration of the terms of office of the present incumbents.

Sec. 14. This act shall become immediately effective upon its approval by the Governor.

Sec. 15. No act of the Legislature shall be invalid, or in any wise affected by the failure of any officer to comply with this statute.

Mr. Kirby offered the following amendment to the substitute:

Amend the substitute by striking out section 14 and insert in lieu thereof,

Section 14. Provided, This act shall not go into effect until January 1, 1911.

And the amendment offered by Mr. Kirby was lost.

Mr. Sample offered the following amendment to the substitute,

"Amend the substitute by striking out section 14."

And the amendment offered by Mr. Sample was adopted.

Mr. Sherrod offered the following amendment to the substitute,

"Amend the substitute by striking out section twelve thereof."

RECESS.

Pending the further consideration of the bill H. 46, and amendments, the hour of one o'clock having arrived under the rules the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill,

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the Journals required by the constitution, and to provide a competent examiner of the Journals and prescribe his duties and pay.

The question was upon the adoption of the amendment offered by Mr. Sherrod to the substitute.

The amendment offered by Mr. Sherrod was adopted. And the substitute as amended was yeas, 44; nays, 27.

Yeas:

Messrs. Speaker	John	Parker
Altman	Johnson	Pratt
Ballard (Autauga)	Jones	Rattray
Ballard (Pike)	Killen	Rowe
Benners	King	Rushton
Benson	Lacy (Walker)	Sample
Brown	Lancaster	Sanders
Coleman	Long (Butler)	Sanford
Cranford	Lyons	Seale
Crum	Malone	Stollenwerck
Doyle (Marengo)	Mitchell	Tarrant
Fuller	Moore	Urquhart
Garner	McCrary	Wittmeier
Glover	McDuffie	Woolf
Haley	McMillan	

—44.

Nays:**Messrs.**

Alford	Fuller	Oliver
Avery	Henley	Pearson
Baltzell	Hoffman	Pitts (Perry)
Barton	Kirby	Powell (Covington)
Burney	Lee (Etowah)	Pugh
Cannon	Lindsey	Rice
Carmichael	Long (Morgan)	Tunstall
Cunningham	Mastin	White (Lamar)
Edwards	Mayfield	Williams (Lee)

—27

And the bill,

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the Journals required by the constitution, and to provide a competent examiner of the Journals and prescribe his duties and pay.

As amended by the substitute as amended, was read a third time at length, and lost.

Yeas, 32; nays, 48.

Yeas:

Messrs. Speaker	Ballard (Pike)	Brown
Altman	Benners	Burney
Ballard (Autauga)	Benson	Glover

Haley	Mitchell	Scale
Hughes	McCrory	Smith (Elmore)
John	McMillan	Smith (Lee)
Jones	Rattray	Tarrant
Killen	Rowe	Turner
King	Rushton	Urquhart
Long (Butler)	Sample	Wittmeier
Malone	Sanford	

—32

Nays:**Messrs.**

Alford	Gunter	Parker
Avery	Hoffman	Pearson
Baltzell	Johnson	Pitts (Dallas)
Barton	Kirby	Pitts (Perry)
Cannon	Lacy (Walker)	Powell (Covington)
Carmichael	Lee (Etowah)	Tratt
Coleman	Lee (Houston)	Pugh
Cooper	Lindsey	Rice
Cranford	Long (Morgan)	Sanders
Crum	Lyons	Sherrod
Cunningham	Mastin	Stollenwerck
Doyle (Clarke)	Mayfield	Tunstall
Doyle (Marengo)	Moore	White (Lamar)
Dudley	McDuffie	Williams (Barbour)
Edwards	Norville	Williams (Lee)
Garner	Oliver	Woolf

—48

BILLS ON SECOND READING.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 339. To amend section 1182 of the Code of Alabama.

S. 66. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds, to aid in the location and in the construction of high schools and high school

buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 117. To amend section 1339 of the Code of Alabama.

Mr. Jenkins, chairman of the standing committee on Counties and County Boundaries, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 288. To require the courts of county commissioners, boards of revenue, or like officers of each county in the State of Alabama to pay out of any funds in the county treasury, all the expense, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance is successful.

Mr. Vann, acting chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report.

H. 283. To amend sections 1302, 1305, and 1307 of the Code.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

S. 79. (With substitute.) To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

The above and foregoing bills were severally read a second time, and placed on the calendar.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Lindsey. (With notice and proof.)

H. 356. To repeal an act entitled an act to confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein, approved February 18, 1907, and to provide for the transfer of pending causes from said county court to the circuit court of said county and the enforcement of judgments already rendered in said county court.

Revision of Laws.

Notice and proof H. 356:

NOTICE.

A bill will be introduced in the extraordinary session of the Alabama Legislature, which convenes on the 27th day of July, 1909, to repeal an act entitled "An act to confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein," approved February 18, 1907, and to provide for the re-transfer of pending causes from said county court to the circuit court of said county and the enforcement of the judgments already rendered in said county court.

W. H. LINDSEY.

The State of Alabama, }
Choctaw County. }

Personally appeared before me, W. H. Lindsey, notary public in and for said county and State, T. G. Flowers who, being duly sworn by me, deposes and says that he is publisher of the Choctaw Advocate, a newspaper printed weekly in said county; that attached notice, being a notice of the proposal to introduce a bill in the extra session of the Legislature which convenes on July 27, 1909, to repeal an act to confer additional jurisdiction upon the county court of Choctaw county, approved February 18, 1907, and to provide for re-transfer of

pending causes to the circuit court and enforcement of judgments," was published in said newspaper once a week for four consecutive weeks next before the 27th day of July, 1909, and that attached notice is a true and exact copy as the same was published in said paper.

THOS. G. FLOWERS.

Sworn to and subscribed before me this 27th day of July, 1909.

W. H. LINDSEY,

Notary Public, Choctaw County, Ala.

By Mr. Cranford.

H. 357. To relieve banking institutions conducted by individuals or firms or corporations organized under the laws of this State, from the payment of any municipal license tax.

Banking and Insurance.

By Mr. Killen.

H. 358. To amend sections 2120, 2122, 2156, 2174, and 2175 and 2158 of the Code of Alabama.

Ways and Means.

By Mr. Pearson.

H. 359. To amend section 373 of the Code of Alabama, 1907.

Privileges and Elections.

By Mr. Haley. (With notice and proof.)

H. 360. To empower the city council of Birmingham, Birmingham, Alabama, to sell certain parts of 19th street, 17th street, 16th street, 15th street, alley G and Maiden Lane, in the city of Birmingham, Alabama, and direct the application of the proceeds derived therefrom.

Local Legislation.

Notice and proof H. 360:

NOTICE.

Notice is hereby given that a bill will be introduced at the extra session of the Alabama Legislature asking that body to empower the mayor and board of aldermen of Birmingham to sell certain parcels of land, alleys and

streets in the city of Birmingham, the proceeds of such sales to be devoted to the building up of all parks now owned by the city, and to purchase a park for the Third ward and for the Lakeview school section. By authority of legislative committee, to whom the matter was referred with power to act.

FRANK P. O'BRIEN, Mayor.

July 18, 1909.

The State of Alabama, }
County of Jefferson. }

On this the 12th day of August, 1909, personally appeared before me, H. C. Ryall, a notary public in and for the county and State aforesaid, J. L. McRae, who being duly sworn according to law, declares that he is the business manager of the Birmingham Age-Herald, a newspaper published in the city of Birmingham, county of Jefferson, State of Alabama, and that the advertisement of the city of Birmingham, a true copy of which is herewith attached, appeared in the Birmingham Age-Herald, once a week for four weeks, viz: July 18th, 25th, August 1st, and August 12th.

J. L. McRAE,
Business Manager.

Sworn to and subscribed before me, this 12th day of August, 1909.

H. S. RYALL,
Notary Public.

By Mr. Gunter.

H. 361. To allow appeals from tax assessments made by tax commissioners or courts of county commissioners or courts or boards of like jurisdiction.

Revision of Laws.

By Mr. Gunter. (With notice and proof.)

H. 362. To repeal the local road laws applying to the county of Montgomery.

Public Roads and Highways.

Notice and proof H. 362:

State of Alabama, }
 Montgomery County. }

Before me, J. T. Letcher, a notary public in and for said county in said State, personally appeared F. P. Glass, who being by me first duly sworn, deposes and says that he is the manager of the Montgomery Advertiser, a newspaper published in the city and county of Montgomery, State of Alabama, that the following notice, to wit:

NOTICE.

"Notice is hereby given that application will be made to the Legislature of Alabama during its extraordinary session 1909, for the passage of a law or laws repealing the local road laws applying to Montgomery county, Alabama."

Was published once a week for four consecutive weeks in said newspaper before the making of this affidavit, without cost to the State.

F. P. GLASS.

Sworn to and subscribed before me this the 12th day of August, 1909.

J. T. LETCHER,

Notary Public, Montgomery County, Alabama.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 13. To appropriate the sum of fifty thousand dollars, or as much thereof as may be necessary, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending in the federal court, or any litigation which may hereafter be instituted between the various railroads of Alabama and the railroad commission of Alabama, or other State officials.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

BILL ON THIRD READING.

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

Mr. Smith, of Elmore, offered the following amendment to the bill, H. 49:

"Amend section there of the bill, by striking out the word 'fourteen,' where it appears in said section, and adding in lieu thereof the word 'twelve.'"

On motion of Mr. Haley the amendment offered by Mr. Smith, of Elmore, was laid upon the table.

Mr. Smith, of Elmore, offered the following amendment to the bill,

Amend section four of the bill by striking out the word "sixteen" where it appears in said section and adding in lieu thereof the word "eighteen" and by striking out the word "six" where it appears in said section and adding in lieu thereof the word "five."

Mr. Haley moved to table the amendment offered by Mr. Smith, of Elmore, and the motion to table prevailed.

Yeas, 60; nays, 22.

Yeas:

Messrs. Speaker	Coleman	King
Altman	Cooper	Lacy (Walker)
Arnold	Cranford	Lancaster
Arrington	Crum	Lawson
Ballard (Autauga)	Fuller	Lee (Barbour)
Ballard (Pike)	Garner	Malone
Baltzell	Glover	Maner
Barton	Haley	Mayfield
Benmers	Henley	Mitchell
Benson	Hughes	Moore
Burney	John	McMillan
Cannon	Jones	Oliver
Carmichael	Killen	Parker

Pearson	Rice	Tunstall
Peete	Rowe	Turner
Pitts (Perry)	Rushton	Urquhart
Powell (Covington)	Sample	Vann
Pratt	Sanders	Wittmeier
Pugh	Smith (Lee)	White (Lamar)
Rattray	Tarrant	Williams (Lee)

—60

Nays:

Messrs.

Alford	Hoffman	McCurdy
Avery	Jenkins	McDuffie
Cunningham	Lee (Etowah)	Pitts (Dallas)
Doyle (Clarke)	Lee (Houston)	Sherrod
Doyle (Marengo)	Lindsey	Smith (Elmore)
Dudley	Long (Morgan)	Smith (Etowah)
Edwards	Mastin	Stollenwerck
Elrod		

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And the bill,

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

Was read a third time at length and passed.

Yeas, 71; nays, 3.

Yeas:

Messrs. Speaker	Cranford	Johnson
Altman	Crum	Jones
Arnold	Cunningham	King
Avery	Doyle (Clarke)	Lancaster
Ballard (Autauga)	Dudley	Lawson
Ballard (Pike)	Elrod	Lee (Barbour)
Benners	Fuller	Lee (Etowah)
Benson	Garner	Lee (Houston)
Brown	Glover	Lindsey
Burney	Haley	Long (Morgan)
Carmichael	Hughes	Malone
Coleman	Jenkins	Mastin
Cooper	John	Mayfield

Mitchell	Pratt	Smith (Etowah)
Moore	Pugh	Smith (Lee)
McDuffie	Rattray	Stollenwerck
McMillan	Rice	Tunstall
Oliver	Rowe	Turner
Parker	Rushton	Urquhart
Pearson	Sample	Vann
Peete	Sanders	Wittmeier
Pitts (Dallas)	Sanford	White (Lamar)
Pitts (Perry)	Seale	Williams (Lee)
Powell (Covington)	Sherrod	

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Nays:

Messrs.

Alford

Edwards

Smith (Elmore)

—3

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 172. To submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature for their consideration, an amendment to the constitution for the purpose of forever prohibiting the manufacture, sale, and keeping for sale, of alcoholic and malt liquors and other intoxicating liquors and beverages, with the exception that alcohol may be sold for medical, scientific and mechanical purposes, and wine for sacramental purposes, under such regulations as the Legislature may have prescribed, or may hereafter prescribe, and to declare that nothing in the constitution of Alabama shall be construed to prevent the Legislature under the police power from designating the places where such liquors may not be stored or kept.

H. 240. To repeal so much of an act entitled "An act to provide for more efficient working of the public roads in Greene, Lowndes and Perry counties, and ap-

pointment of district road inspectors for Greene, Lowndes and Perry counties, approved February 12th, as relates to Lowndes county.

H. 280. To abolish the county court of Shelby county of which the judge of probate is ex-officio the judge, and to provide for the transfer of all cases pending in said abolished court to the county court of Shelby county, established by this special session of the Legislature.

H. 241. To repeal so much of an act entitled "An act to better provide for the working and maintenance of the public roads in Chilton, Lamar, Lowndes, Clay and Cleburne counties, approved February 18, 1889," as relates to Lowndes county.

H. 242. To repeal an act entitled "An act to secure better public roads and bridges in Lowndes county, approved February 17, 1885."

H. 102. To permit cities and towns additional time in which to sell bonds to pay outstanding debts not secured by bonds under the provisions of an act of the Legislature approved August 14th, 1907, and to validate and confirm issues of bonds made under said act.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

H. 104. To revoke the license or right to engage in or carry on any business, or to have any agency or place of business in this State, of any foreign corporation

which is authorized by its charter, to manufacture, sell, or otherwise dispose of alcoholic, spirituous, vinous or malt liquors, or any liquor or beverage prohibited by the law of Alabama to be manufactured sold, or otherwise disposed of in this State, or which is engaged in the manufacture or sale of such liquors, or any of them, in the State of its creation or elsewhere, or which is engaged in or carries on in the State of its creation, or elsewhere, any business which is unlawful for any domestic corporation or citizen of Alabama to engage in or carry on in this State; and to prohibit the entry of such foreign corporations into this State and the grant to them by any officer of the State of Alabama of a license to engage in business of any kind or to have any agency or place of business in this State, and to prescribe penalties for the violation of this act.

ERNEST LACY, Chairman.

The report of the committee on Engrossed Bills was concurred in.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 11. To amend an act entitled "An act to prohibit common carriers and their officers, agents and employes, from publishing, exacting, charging or receiving any higher or greater rates of compensation for the transportation of property or passengers than that specifically designated and prescribed by statute or made the maximum rate by statute, or than that established by the railroad commission, and from refusing to receive property or passengers for transportation at such rates; to provide penalties for a violation thereof, and fix the period in which proceedings may be instituted for the recovery of such penalties, and the procedure to recover the same," approved November 23, 1907.

H. 14. To provide for and authorize appeals from any action or order of the railroad commission of Alabama reducing or increasing or refusing to increase any rates, fares or charges by common carriers for the transporta-

tion of property, freight or passengers, specifically prescribed by statute, or made the maximum rates by statute, or established by the railroad commission.

H. 15. To repeal an act entitled "An act to exclude from the railroad commission and the members thereof and the attorney general all power, authority or duty to enforce any rates, fares or charges, for the transportation of property or passengers which have been or which may hereafter be prescribed by statute, or made the maximum rates by statute, or any law now existing or which may hereafter be enacted prescribing such rates, fares or charges which have been or may hereafter be established by the railroad commission's orders establishing the same, and all power and authority to instruct, direct or request the attorney general to institute any legal proceedings to enforce such rates, fares, charges, statutes or orders," approved November 23, 1907.

H. 16. To repeal an act entitled "An act to prohibit railroads and other common carriers, or terminal companies, or other companies or persons controlling access to passenger trains from preventing access to regular trains carrying passengers by the use of fences, gates, bars, or by any means whatsoever by any person desiring to take passage on said train between points within this State when such person has offered to purchase a ticket at the rate prescribed by statute, or fixed by the railroad commission, and the sale of such ticket at such rate has been refused; to prescribe the penalty for violations thereof, the period within which proceedings may be instituted to recover such penalties, and the procedure for the recovery of the same." Approved Dec. 3, 1907.

H. 17. To amend section 4 of an act, approved November 23rd, 1907, entitled "An act to amend sections 5, 29, 35, 41 and 52 of an act of the legislature of Alabama entitled an act to create a railroad commission, to be known as the railroad commission of Alabama, define its duties and powers, and to provide for its mode of procedure, and prescribe penalties for violation of its orders, approved February 23rd, 1907."

H. 18. To repeal an act entitled "An act to make railroad corporations and other common carriers liable in damages to passengers or persons desiring to become passengers for refusing to carry such persons between points in this State at which regular stops are made to take on and let off passengers at the rate or fare which has been or may hereafter be prescribed by statute, or the rate which has been or may hereafter be established by the railroad commission; to authorize actions to recover said damages and prescribe the period within which such actions may be brought and the procedure," approved Dec. 3, 1907.

H. 19. To amend section 5556 of the Code.

H. 20. To repeal "An act to authorize the recovery of damages by any person who has been ejected from any regular passenger train, of any railroad in this State for refusal to pay a greater or higher rate of fare than that prescribed by statute or by the railroad commission and to prescribe the period within which such action may be brought," approved Dec. 3, 1907.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

H. 54. (With amendment.) To amend sections 6450, 6456 and 6463 of the Code of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Judiciary, said amendment being as follows:

Amendment reported by committee on Judiciary to H. 54:

Amend the title of the bill, by inserting therein the number 6465, and amend the bill by adding thereto this section:

4. That section 6465 of the Code be amended so as to read as follows: 6465. Whenever a child is arrested in the night time, charged with a violation of section 6450 of the Code, as amended by section 1 of this act the officer arresting him may commit him to jail till the next morning when he must be brought before a judicial officer having jurisdiction of offenses of delinquent children, and if at any time in any case the court having

such jurisdiction deems it just and right to commit the child to jail for safe keeping till a proper home can be found for the child, he may so commit the child to jail, but in no case shall a child under fourteen years of age be confined in the same room with an adult prisoner.

ADJOURNMENT.

Pending the further consideration of the bill, H. 54, with amendment, the hour of five o'clock having arrived the House adjourned until 10 o'clock tomorrow morning.

FOURTEENTH DAY.

House of Representatives,

MONTGOMERY, Ala., Friday, August 13, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Avery of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Barton	Cooper
Alford	Benners	Cranford
Altman	Bloch	Crum
Arnold	Brown	Cunningham
Arrington	Bulger	Doyle (Clarke)
Avery	Burney	Doyle (Marengo)
Ballard (Antauga)	Cannon	Dudley
Ballard (Pike)	Carmichael	Edwards
Baltzell	Coleman	Fuller

Garner	Malone	Rice
Glover	Mastin	Rowe
Gunter	Mayfield	Rushton
Haley	Middleton	Sample
Henley	Mitchell	Sanders
Hoffman	Moore	Sanford
Hughes	McCrory	Seale
Jenkins	McCurdy	Sherrod
John	McDuffie	Smith (Elmore)
Johnson	McMillan	Smith (Etowah)
Jones	Norville	Smith (Lee)
Killen	Oliver	Stollenwerck
King	Parker	Tarrant
Kirby	Pearson	Thompson
Lacy (Dallas)	Peete	Tunstall
Lacy (Walker)	Pitts (Dallas)	Turner
Lancaster	Pitts (Perry)	Urquhart
Lawson	Powell (Covington)	Vann
Lee (Barbour)	Pratt	Wittmeier
Lee (Etowah)	Price	White (Lamar)
Lee (Houston)	Pugh	Williams (Barbour)
Lindsey	Rainer	Williams (Lee)
Long (Butler)	Ratray	Woolf
Long (Morgan)		

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the thirteenth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the 13th day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Lyons indefinitely and to Mr. Benson for today.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Lee, of Etowah, the bill H. 269 was indefinitely postponed.

MOTION TO RECONSIDER.

Mr. Tunstall moved to reconsider the vote by which the bill, H. 46, was lost on yesterday, and under the rules the motion goes over until tomorrow.

REPORT OF RULES COMMITTEE.

Mr. John, from the standing committee on Rules, returned to the House the following resolution with a favorable report, and the resolution was adopted.
Rules Committee.

H. R. 60. Resolved, That the following bills in the order named be made special continuing and paramount orders for this morning August 13, 1909, immediately after the reports of standing committees and after H. 54, H. 178, H. 179, H. 257, H. 267, H. 271, H. 289, H. 301, H. 324, H. 294, H. 296 and H. 156.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 51. To amend section 2411 of the Code of Alabama.

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county, prescribe the term of office and duties of such reporter, and to fix his compensation.

H. 335. To regulate the remittances by the banks of the State of money collected on drafts with bills of lading attached.

H. 336. To repeal section 3290 of the Code of Alabama.

H. 338. To amend section 586 of the Code of 1907.

Mr. Arnold, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 359. To amend section 373 of the Code of Alabama, 1907.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report.

S. 47. To amend section 5882 of the Code of Alabama.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with a substitute:

S. 48. (With substitute.) To amend section 5885 of the Code of Alabama.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 341. To require every person coming into the possession of any of the beverages prohibited by law in this State to make at the time, and to keep, a memorandum of the name of the person from whom such possession was obtained with the date, and subscribed by him and to surrender such memorandum to any solicitor, sheriff or deputy sheriff or any police officer upon written request, and to prescribe punishment for the violations of this act.

Mr. Tunstall, acting chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 360. To empower the city council of Birmingham, Birmingham, Alabama, to sell certain parts of 19th street, 17th street, 16th street, 15th street, alley G and Maiden Lane, in the city of Birmingham, Alabama, and direct the application of the proceeds derived herefrom.

H. 347. To amend section one of an act entitled an act to make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court or before the judges or grand juries of either of said courts.

H. 346. To repeal an act entitled an act to require the county of Mobile to pay one-fourth of the annual cost of repairing, opening, widening, cleaning and maintaining the streets and draining of the city of Mobile, approved February 27th, 1901.

H. 350. To authorize the commissioners' court of Tallapoosa county to pay to P. A. Jackson, editor and proprietor of the Tallapoosa Courier, a newspaper published in Tallapoosa county, seventy-four dollars out of the county treasury for services rendered in printing and publishing the report of the treasurer of said county made in the year 1907.

S. 123. To repeal an act approved November 23, 1907, entitled an act to provide for a license tax of one dollar on each dog over the age of three months kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license.

S. 8. To legalize and confirm all appropriations heretofore made by the commissioners' court of Etowah county to aid in the erection of what is known as the Emma Sansom monument at Gadsden, Alabama; to aid in the erection of the building for the State High School for Etowah county, at Attalla, Alabama; and to aid in the relief of those injured in the cyclone at Albertville, Alabama, at the time that city was wrecked by cyclone.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 226. To amend sections 161, 162, 163, and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13, 1907.

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred instalments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 356. To repeal an act entitled an act to confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein, approved February 18, 1907, and to provide for the transfer of pending causes from said county court to the cir-

cuit court of said county and the enforcement of judgments already rendered in said county court.

H. 314. To absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

S. 122. To absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

H. 353. (With amendment.) To amend section 3322 of the Code of 1907.

Mr. Lindsey, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 325. To provide for the further protection of fish in Baldwin county, to prevent the taking or catching of fish in any lake, river, creek or bayou in said county, except with hook and line; and to provide a penalty for the same; to make it unlawful for any non-resident engaged in the business of commercial fishing to take fish in Baldwin county.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted upon the following bill and ordered same returned to the House with an adverse report:

H. 327. To provide for the better compensation of sheriffs in this State.

Mr. Smith, of Elmore, chairman of the standing committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 318. To amend section 5778 of the Code.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees as follows:

By Mr. McDuffie. (With notice and proof.)

H. 363. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

Revision of Laws.

Notice and proof H. 363:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the coming special session for the passage of an act providing for the election of a county solicitor for Monroe county, defining his duties and fixing his compensation.

State of Alabama, }
Monroe County. }

Before me, I. B. Slaughter, judge of probate in and for Monroe county, Alabama, personally appeared Q. Salter, who being by me first duly sworn, says that the following notice, to wit:

"NOTICE.

"Notice is hereby given that application will be made to the Legislature of Alabama at the coming special ses-

son for the passage of an act providing for the election of a county solicitor for Monroe county, defining his duties and fixing his compensation,"

Appeared for four consecutive weeks in the Monroe Journal, a weekly newspaper published in said Monroe county, Alabama, on towit: July 22nd, 1909, July 29th, 1909, Aug. 5th, 1909, and Aug. 12th, 1909.

Q. SALTER, Pub. Journal.

Sworn to and subscribed before me this the 12th day of Aug., 1909.

I. B. SLAUGHTER,

Judge of Probate.

By Mr. Thompson.

H. 364. To prohibit the sale, giving away or otherwise disposing of coca cola or any substitute therefor, or the selling, giving away or otherwise disposing of any drink containing caffeine.

Temperance.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill,

H. 54. (With amendment.) To amend sections 6450, 6456 and 6463 of the Code of Alabama.

The question was upon the adoption of the amendment reported by the standing committee on Judiciary, and the amendment was adopted.

Yeas, 61; nays, 0.

Yeas:

Messrs. Speaker	Carmichael	Hughes
Arnold	Cooper	John
Avery	Cranford	Killen
Ballard (Autauga)	Crum	Kiroy
Ballard (Pike)	Cunningham	Lacy (Walker)
Baltzell	Doyle (Clarke)	Lawson
Barton	Doyle (Marengo)	Lee (Barbour)
Benners	Edwards	Long (Butler)
Bulger	Fuller	Long (Morgan)
Burney	Garner	Malone
Cannon	Henley	Mastin

Mayfield	Pitts (Perry)	Smith (Etowah)
Mitchell	Powell (Covington)	Stollenwerck
Moore	Pugh	Tarrant
McCrory	Rattray	Turner
McCurdy	Rowe	Vann
McMillan	Rushton	Wittmeier
Oliver	Sample	White (Lamar)
Parker	Sanford	Williams (Barbour)
Pearson	Sherrod	Williams (Lee)
Peete		

—61

And the bill,

H. 54. To amend sections 6450, 6456 and 6463 of the Code of Alabama.

As amended, was read a third time, at length, and passed.

Yeas, 63; nays, 2.

Yeas:

Messrs. Speaker	Johnson	Pugh
Altman	Kirby	Rattray
Arnold	Lawson	Rice
Avery	Lee (Barbour)	Rowe
Ballard (Autauga)	Lee (Etowah)	Rushton
Ballard (Pike)	Long (Butler)	Sample
Benners	Long (Morgan)	Sanders
Bulger	Mastin	Sanford
Burney	Mayfield	Sherrod
Cannon	Middleton	Smith (Etowah)
Carmichael	Mitchell	Smith (Lee)
Cranford.	Moore	Stollenwerck
Crum	McCurdy	Tarrant
Cunningham	McMillan	Tunstall
Doyle (Clarke)	Oliver	Turner
Doyle (Marengo)	Parker	Urquhart
Dudley	Pearson	Vann
Edwards	Peete	Wittmeier
Fuller	Pitts (Dallas)	White (Lamar)
Garner	Powell (Covington)	Williams (Barbour)
John	Pratt	Williams (Lee)

—63

Nays:
Baltzell

Hoffman

—2

SPECIAL ORDER.

The hour having arrived the House proceeded to the consideration of the special order which was the bill, H. 178, and the bill,

H. 178. To amend sections 6620 and 6621 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 70; nays, 2.

Yeas:

Messrs. Speaker	Jenkins	Pitts (Perry)
Altman	John	Powell (Covington)
Arnold	Johnson	Pratt
Avery	Kirby	Pugh
Ballard (Autauga)	Lacy (Dallas)	Rattray
Ballard (Pike)	Lancaster	Rowe
Baltzell	Lawson	Rushton
Barton	Lee (Barbour)	Sample
Benners	Long (Butler)	Sanders
Bloch	Long (Morgan)	Seale
Bulger	Mastin	Sherrod
Burney	Mayfield	Smith (Etowah)
Cannon	Middleton	Smith (Lee)
Carmichael	Mitchell	Stollenwerck
Cooper	Moore	Tarrant
Cranford	McCrary	Tunstall
Crum	McCurdy	Turner
Cunningham	McDuffie	Urquhart
Doyle (Clarke)	McMillan	Vann
Doyle (Marengo)	Oliver	Wittmeier
Edwards	Parker	White (Lamar)
Garner	Pearson	Williams (Barbour)
Glover	Peete	Williams (Lee)
Henley		

—70

Nays:
Messrs.
Hoffman

Rice

—2

On motion of Mr. Long, of Butler, the bill, H. 178, was ordered sent forthwith to the Senate without engrossment.

BILL ON THIRD READING.

S. 49. To provide that all confederate soldiers, sailors, and their widows who are entitled to draw a pension under the laws of Alabama, shall be entitled to and receive a pension of the first class when they are or shall become eighty years of age.

Was read a third time at length and passed.

Yeas, 74; nays, 0.

Yeas:

Messrs. Speaker	Henley	Powell (Covington)
Altman	Hoffman	Pratt
Arnold	Jenkins	Pugh
Avery	John	Rattray
Ballard (Autauga)	Johnson	Rice
Ballard (Pike)	Killen	Rowe
Baltzell	Kirby	Rushton
Barton	Lacy (Dallas)	Sample
Benners	Lacy (Walker)	Sanders
Bulger	Lawson	Sanford
Burney	Long (Butler)	Seale
Cannon	Long (Morgan)	Sherrod
Carmichael	Mastin	Smith (Elmore)
Coleman	Mayfield	Smith (Etowah)
Cooper	Mitchell	Stollenwerck
Cranford	Moore	Tarrant
Crum	McCrory	Turner
Cunningham	McCurdy	Urquhart
Doyle (Clark)	McDuffie	Vann
Doyle (Marengo)	McMillan	Wittmeier
Edwards	Oliver	White (Lamar)
Fuller	Parker	Williams (Barbour)
Garner	Pearson	Williams (Lee)
Glover	Peele	Woolf
Gunter	Pitts (Perry)	

SPECIAL ORDER.

The hour having arrived the House proceeded to the consideration of the special order, which was the bill, H. 179, and the bill,

H. 179. To alter and amend section two thousand and forty-seven (2047) of the Code of Alabama and to make an additional appropriation for repairs and insurance for the confederate soldiers' home at Mountain Creek.

Was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs. Speaker	Hoffman	Peete
Altman	Hughes	Pitts (Dallas)
Avery	Jenkins	Powell (Covington)
Ballard (Autauga)	John	Pratt
Ballard (Pike)	Johnson	Price
Baltzell	Jones	Pugh
Barton	Killen	Ratray
Benners	Lacy (Dallas)	Rowe
Bulger	Lacy (Walker)	Rushton
Burney	Lawson	Samuels
Cannon	Lee (Barbour)	Sherrod
Carmichael	Long (Butler)	Smith (Elmore)
Cooper	Long (Morgan)	Smith (Etowah)
Cranford	Malone	Smith (Lee)
Crum	Mastin	Stollenwerck
Cunningham	Mayfield	Tarrant
Doyle (Clarke)	Mitchell	Tunstall
Doyle (Marengo)	Moore	Turner
Dudley	McDuffie	Urquhart
Edwards	McMillan	Wittmeier
Fuller	Oliver	White (Lamar)
Garner	Parker	Williams (Barbour)
Henley	Pearson	Woolf

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On motion of Mr. Long, of Butler, the bill, H. 179, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, towit:

S. J. R. No. 2. Resolved, by the Senate of Alabama, the House concurring, That by reason of an order of the Navy Department offering to loan the figurehead on the bow of the Battle Ship Alabama to the State, provided the Governor of the State so desires, that the Governor is hereby authorized to accept the loan of the figurehead which is referred to in a letter of Hon. S. H. Dent, Jr., Congressman 2nd Ala. Dist., and to pay from the contingent fund all expenses incident thereto.

And herewith transmits the same to the Senate.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The above resolution, S. J. R. 2, was read one time and referred to the standing committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 60. To educate the children of Alabama on the evils of intemperance.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 73. To regulate sales of stocks of merchandise in bulk, or portions thereof, otherwise than in the ordinary course of trade.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Commerce and Common Carriers, S. 73.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bill : :

H. 12. To amend section 5520 of the Code.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

ERNEST LACY, Chairman.

The report of the committee was concurred in.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

H. 54. To amend sections 6450, 6456, 6463 and 6465, of the Code of Alabama.

ERNEST LACY, Chairman.

The report of the committee was concurred in.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 11. To amend an act entitled "An act to prohibit common carriers and their officers, agents and employes from publishing, exacting, charging or receiving any higher or greater rates of compensation for the transportation of property or passengers than that specifically designated and prescribed by statute, or made the maximum rate by statute, or than that established by the railroad commission, and from refusing to receive property or passengers for transportation at such rates; to provide penalties for a violation thereof, and fix the period in which proceedings may be instituted for the recovery of such penalties, and the procedure to recover the same," approved November 23, 1907.

H. 16. To repeal an act entitled "An act to prohibit railroads and other common carriers, or terminal companies, or other companies or persons controlling access to passenger trains from preventing access to regular trains carrying passengers by the use of fences, gates, bars or by any means whatsoever by any person desiring to take passage on said train between points within this State when such person has offered to purchase a ticket at the rate prescribed by statute, or fixed by the railroad commission, and the sale of such ticket at such rate has been refused; to prescribe the penalty for violations thereof, the period within which proceedings may be instituted to recover such penalties, and the procedure for the recovery of the same." Approved Dec. 3, 1907.

H. 17. To amend section 4 of an act, approved November 23rd, 1907, entitled "An act to amend sections 5, 29, 35, 41 and 52 of an act of the legislature of Alabama entitled an act to create a railroad commission, to be known as the railroad commission of Alabama, define its duties and powers, and to provide for its mode of procedure, and prescribe penalties for violation of its orders, approved February 23rd, 1907."

H. 18. To repeal an act entitled "An act to make railroad corporations and other common carriers liable in damages to passengers or persons desiring to become passengers for refusing to carry such persons between points in this State at which regular stops are made to take on and let off passengers at the rate or fare which has been or may hereafter be prescribed by statute, or the rate which has been or may hereafter be established by the railroad commission; to authorize actions to recover said damages and prescribe the period within which such actions may be brought and the procedure," approved Dec. 3, 1907.

H. 19. To amend section 5556 of the Code.

H. 20. To repeal "An act to authorize the recovery of damages by any person who has been ejected from any regular passenger train, of any railroad in this State for refusal to pay a greater or higher rate of fare than that prescribed by statute or by the railroad commission and to prescribe the period within which such action may be brought," approved Dec. 3, 1907.

H. 13. To appropriate the sum of fifty thousand dollars, or as much thereof as may be necessary, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending in the Federal court, or any litigation which may hereafter be instituted between the various railroads of Alabama and the railroad commission of Alabama, or other state officials.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

BILL ON THIRD READING.

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

Mr. Fuller offered the following amendment to the bill:

Amend the bill, H. 257, as follows:

(1) Add at the end of section 3 the following: "and shall do so upon the demand of any citizen. Any advertisement containing the picture of a brewery or a distillery or of bottles, jugs, kegs, barrels or boxes represented as containing whiskey, beer or other prohibited liquors and beverages, shall be within the inhibition of this section."

(2) Strike out of the last sentence of section 6 the words "in which case he may be allowed the prescribed quantity and no more, and any of said officers or persons violating this section shall be guilty of a misdemeanor" and inserting in place thereof the following: "and in case of such certificate may be allowed the use of the prescribed quantity of pure alcohol and no more; and any of said officers violating any provision of this section shall be guilty of a misdemeanor."

(3) Strike out section 7, and insert in place thereof the following new section: Section 7. That every person who being employed upon any railway or street railway as engineer, conductor, baggage master, brakeman, switch-tender, flagman, motorman or signal man or person having charge of stations or the starting or regulating or running of trains upon any railway or street railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a misdemeanor.

(4) Amend section 9 of the bill by inserting the words "contrary to law" after the words "disposes of any such prohibited beverages" and before the words "shall be fined, etc."

(5) Amend section 10, by inserting in the first sentence after the words "having jurisdiction of misdemeanors" the words "or a recorder of a town or city".

(6) Amend section 18, by striking out the words "in heavy black faced ten point type" and by inserting in place thereof the words "in such black type as will call special attention thereto."

(7) Add at the end of subdivision 7 of section 22 the following: "but section 22 is not intended to secure the search of the premises of bona fide druggists who sell, or keep for sale alcohol only for medical, scientific or mechanical purposes, or wine for sacramental purposes as authorized by law, or of bona fide physicians who sell and keep for sale pure alcohol only for medical purposes at the places that may be allowed, and subject to the restrictions and regulations prescribed by law."

(8) Amend section 22 by adding at the end of the section a new subdivision as follows:

18. A search warrant may be sued out and prosecuted in accordance with the rules and regulations hereinabove prescribed in case there is probable cause to believe and it is made to appear to the magistrate or judge issuing the warrant that there is probable cause to believe that prohibited liquors and beverages, or some of them, are kept or deposited in or on a steamboat or water craft of any kind, or in a depot, railway car or land carriage of any kind, for unlawful sale, furnishing, distribution or other unlawful disposition. The place where such search is to be made, should be described as near as may be in the affidavit and warrant for purposes of identification.

(9) Amend section 22½ of the bill by inserting after the words: "nor shall it apply to any retail druggist who is himself a registered or licensed pharmacist or who regularly employs a registered or licensed pharmacist" and before the words: "who sells alcohol only etc", the words "or to a bona fide physician who sells and keeps for sale alcohol for medical purposes only as authorized by law."

(10) Amend section 22½, of the bill by adding at the end thereof the following: "and provided further that bona fide physicians who may pay such tax in order to obtain the right to sell alcohol as authorized by the law of Alabama, shall within fifteen days after paying such tax and obtaining a tax stamp, file with the probate judge of the county a declaration in the terms hereinabove provided for use by druggists.

(11) Amend section 28 by inserting after the words "proceed against any bona fide druggist," and before the words "who pays such special tax for the purpose of selling alcohol," the words "or any regular practicing physician".

(12) Amend section 28 by inserting after the words "most effective in securing the enforcement of the law against such party or parties" and before the words "any solicitor or other prosecuting attorney or sheriff who fails, etc.," the words "if he is willing and able to make the affidavit required by law, and if he is not, he shall proceed by such injunction, search warrant or criminal prosecution, one or all according as his judgment dictates shall be most effective in securing the enforcement of the law, if any reputable citizen offers to make or will make the affidavit necessary to secure the warrant, search warrant or preliminary injunction, in which cases he shall superintend the preparation of the papers and the prosecution of the cause," (2) by inserting the words "or practicing physician" after the words "bona fide druggist" in the last sentence of the section.

(13) Amend section 29, by adding after the words: "to institute a criminal prosecution against said party by affidavit before a court or judge of competent jurisdiction" the words "if he is willing and able to make such affidavit for the institution of a criminal prosecution, or if he is not he must superintend the preparation of the papers and the institution of the prosecution if any citizen is willing to make an affidavit for the institution of a criminal prosecution against any party for such violation, provided the solicitor is of opinion upon the facts at hand that there is reasonable ground to believe that a conviction ought to be had."

(14) Amend the bill by adding section 31 $\frac{1}{2}$: That in all affidavits, informations, complaints or indictments against any party or parties for maintaining an unlawful drinking place as defined by the law of the State, it shall be sufficient to charge that the defendant maintained an unlawful drinking place contrary to the statute in such cases made and provided, and under said indictment it shall be competent to prove any act of the defendant which under the law of the State constitutes the keeping of an unlawful drinking place.

(15) Amend section 32 in manner following:

By striking out the words: "which for indefiniteness is referred to as an act prohibiting the manufacture, sale, offering for sale, keeping or having in possession for sale or otherwise disposing of prohibited liquors and beverages and keeping unlawful drinking places" where the same occur in the opening sentence of the section, and by inserting in lieu thereof the following: "Approved August 9th, 1909, and which in general terms is for identification referred to as an act to promote temperance and to suppress the evils of intemperance, and to prohibit the manufacture, sale, offering for sale, keeping or having for sale or otherwise disposing of prohibited liquors and beverages and keeping unlawful drinking places."

(16) Amend section 32 by adding at the end thereof the following: Nor is it intended hereby to take away from the circuit court of any county any exclusive jurisdiction it may have to try cases against and to punish violators of prohibitory liquor laws, and any circuit court that may have exclusive jurisdiction by any law applicable to the county to try cases against and to punish violators of prohibitory or other anti-liquor laws shall continue to have its present jurisdiction and shall have such exclusive jurisdiction of violations of this act or of the act approved August 9th, 1909, hereinabove referred to and all other laws, of this State for the suppression of intemperance and the promotion of temperance.

(17) Amend the bill by adding after section 33, another section as follows:

Section 33 $\frac{1}{2}$. That no dealer in beverages shall post or place about the premises any sign or signs containing the name of any prohibited liquors or beverages or indicating that any prohibited liquors or beverages are kept on or about the premises for sale or other disposition, nor shall any dealer in beverages employ the word "saloon" in designating the business or the place where the beverage business is conducted, and in case of any charge or prosecution against any dealer in beverages for violating the law against selling, offering for sale or keeping for sale or otherwise disposing of prohibited liquors and beverages, it shall be competent to make proof in the cause that said party had posted such signs on or about the premises or that the word saloon was employed to designate the business or the place where the business was conducted. That any person violating any provision of this section shall be guilty of a misdemeanor.

Amend the bill by adding thereto the following section:

21 $\frac{1}{2}$. That in all criminal prosecutions against any person for violating a provision of the act approved August 9, 1909, for the suppression of the evils of intemperance, the court or judge upon a conviction may order the destruction of such prohibited liquors or beverages as had been sold, offered for sale, or had or kept in possession for sale or otherwise disposed of by the defendant, or had been employed by him for use or disposition at an unlawful drinking place, or had been kept or used in conducting the business of a liquor dealer or malt liquor dealer when such liquors or beverages have been seized for use as evidence in the case, and such court or judge shall have the like power upon conviction in case of the seizure for use as evidence such prohibited liquors and beverages in prosecutions against any person for unlawfully storing, accepting on consignment or delivering or transporting or shipping such prohibited liquors and beverages.

Amend the bill by adding thereto after section 32 the following:

Section 321½. That in all prosecutions against any person for manufacturing, selling, offering for sale, keeping or having in possession for sale, bartering, exchanging, furnishing, giving away, or otherwise disposing of prohibited liquors and beverages, or for anyone of the said acts, it shall be competent for the State to give in evidence the fact that the beverage which the evidence may tend to show the defendant had manufactured, sold, bartered, exchanged, furnished, given away or otherwise disposed of, possessed or possesses the same color, odor and general appearance, or the same taste, color and general appearance of a prohibited liquor or beverage such as whiskey, rum, gin, ale, porter, beer, and any other prohibited liquor or beverage, and the fact that the beverage in question as above stated, is of the same color, odor and general appearance or same taste, color and general appearance as beer, shall constitute prima facie evidence that the beverage is beer or a malt liquor or a substitute or device therefor, and within the inhibition of the statute approved August 9, 1909, for the suppression of intemperance in this act referred to; and the like rule of evidence shall apply in respect to whiskey and the other beverages named, and in the event the defendant claims that the beverage in question as above referred to is not within the inhibition of the statute when it possesses the same color, odor and general appearance or the same taste, color and general appearance as a prohibited liquor or beverage such as whiskey, beer or the other beverages named hereinabove, the burden of proof shall be upon him to establish to the reasonable satisfaction of the judge, court or jury trying the case that the beverage in question is not within the inhibition of the said statute and that it is a beverage not prohibited by the statute to be manufactured, sold, offered for sale or otherwise disposed of.

The same rule of evidence shall be applicable in all cases for the abatement of liquor nuisances by bills in equity and in all prosecutions for violations of statutes of the State for the suppression of the evils of intemperance when it becomes necessary to determine whether the liquor or beverage in question is a prohibited liquor or beverage.

And the amendment was adopted.

Yeas, 56; nays, 16.

Yeas:

Messrs. Speaker	Killen	Pratt
Altman	Kirby	Pugh
Arnold	Lancaster	Rice
Ballard (Autauga)	Lawson	Rowe
Ballard (Pike)	Lee (Barbour)	Rushton
Benners	Lee (Houston)	Sanders
Burney	Lindsey	Sanford
Cannon	Malone	Seale
Carmichael	Mayfield	Smith (Elmore)
Cooper	Mitchell	Smith (Lee)
Crum	Moore	Tarrant
Cunningham	McCrory	Tunstall
Doyle (Clarke)	McCurdy	Turner
Doyle (Marengo)	McMillan	Urquhart
Fuller	Pearson	Vann
Henley	Peete	Wittmeier
Hughes	Pitts (Dallas)	White (Lamar)
Jenkins	Pitts (Perry)	Williams (Lee)
John	Powell (Covington)	

—56

Nays:

Messrs.

Barton	Lacy (Dallas)	Rattray
Bloch	Long (Morgan)	Sherrod
Edwards	Mastin	Stollenwerck
Glover	McDuffie	Williams (Barbour)
Gunter	Parker	Woolf
Hoffman		

—16

PAIR ANNOUNCED.

Mr. Garner announced that he was paired with Mr. Long, of Butler. If he were present he would vote nay and Mr. Garner would vote yea.

Mr. Sanford offered the following amendment to the bill:

Amend section 3 of the bill by striking out the words "newspaper or other publication" where said words occur in lines 10 and 11 of the printed bill, and by inserting the word "or" between the words "dodger and circular" where said words occur in line 10 of the printed bill.

And the amendment offered by Mr. Sanford was lost.
Yeas, 37; nays, 38.

Yeas:

Messrs.

Arnold	Lacy (Dallas)	Pugh
Baltzell	Lacy (Walker)	Ratray
Barton	Lee (Houston)	Sample
Benness	Long (Morgan)	Sanders
Bloch	Mastin	Sanford
Coleman	Mayfield	Seale
Cranford	Moore	Sherrod
Dudley	McDuffie	Smith (Elmore)
Edwards	Norville	Stollenwerck
Glover	Parker	Tunstall
Hoffman	Pitts (Dallas)	Williams (Barbour)
Jenkins	Pratt	Wolf
Kirby		

—37

Nays:

Messrs. Speaker	John	Powell (Covington)
Altman	Killen	Rice
Ballard (Autauga)	Lancaster	Rowe
Ballard (Pike)	Lee (Barbour)	Rushton
Burney	Lindsey	Smith (Lee)
Calhoun	Malone	Tarrant
Carmichael	Middleton	Turner
Cooper	Mitchell	Urquhart
Cunningham	McCrary	Vann
Doyle (Clarke)	McMillan	Wittmeier
Doyle (Marengo)	Pearson	White (Lamar)
Fuller	Peete	Williams (Lee)
Henley	Pitts (Perry)	

—38

PAIR ANNOUNCED.

Mr. Garner announced that he was paired with Mr. Long, of Butler. If he were present he would vote yea and Mr. Garner would vote nay.

And the bill,

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

As amended, was read a third time, at length, and passed.

Yeas, 45; nays, 31.

Yeas:

Messrs. Speaker	Killen	Pitts (Perry)
Altman	Kirby	Powell (Covington)
Ballard (Autauga)	Lancaster	Pugh
Ballard (Pike)	Lee (Barbour)	Rice
Burney	Lindsey	Rowe
Cannon	Malone	Rushton
Carmichael	Mayfield	Seale
Cooper	Middleton	Smith (Lee)
Cunningham	Mitchell	Tarrant
Doyle (Clarke)	Moore	Turner
Doyle (Marengo)	McCrary	Urquhart
Fuller	McCurdy	Vann
Henley	McMillan	Wittmeier
Hughes	Pearson	White (Lamar)
John	Peete	Williams (Lee)

—45

Nays:

Messrs.

Arnold	Coleman	Hoffman
Baltzell	Cranford	Jenkins
Barton	Dudley	Lacy (Dallas)
Benners	Edwards	Lacy (Walker)
Bloch	Glover	Lee (Houston)

Long (Morgan)	Ratray	Smith (Elmore)
McDuffie	Sample	Stollenwerck
Norville	Sanders	Tunstall
Parker	Sanford	Williams (Barbour)
Pitts (Dallas)	Sherrod	Voolf
Pratt		

—31

PAIR ANNOUNCED.

Mr. Garner announced that he was paired with Mr. Long, of Butler. If he were present he would vote nay and Mr. Garner would vote yea.

RESOLUTION.

Mr. John introduced the following resolution:

By Mr. John:

H. R. 61. Resolved, That when the House adjourns today it be to meet on Monday, August 16, 1909, at noon. And the resolution was adopted.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

BILLS ON THIRD READING.

H. 320. To amend section 14 of No. 88, H. 338, approved the 26th day of February, 1907, to provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary

in the construction, and improvement of the same, to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, describing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pearson
Altman	Hoffman	Peete
Avery	Hughes	Pratt
Baltzell	Jenkins	Price
Barton	John	Pugh
Barners	Johnson	Rainer
Bloch	Killen	Rattray
Brown	King	Rice
Bulger	Kirby	Rowe
Burney	Lacy (Dallas)	Rushton
Cannon	Lawson	Sample
Carmichael	Lindsey	Sanders
Coleman	Lyons	Sanford
Cooper	Malone	Seale
Cranford	Mitchell	Sherrod
Crum	Moore	Tarrant
Cunningham	McCrary	Tunstall
Dudley	McCurdy	Turner
Edwards	McDuffie	Urquhart
Fuller	Norville	Vann
Garner	Parker	Woolf
Gunter		

H. 111. To vacate and annul the charter and dissolve the corporation of the city of East Lake.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Henley	Parker
Alford	Hoffman	Pearson
Altman	Hughes	Peete
Arnold	Jenkins	Pitts (Dallas)
Avery	John	Pratt
Baltzell	Johnson	Price
Barton	Killen	Pugh
Benners	King	Rainer
Bloch	Kirby	Rice
Brown	Lawson	Rowe
Burney	Lindsey	Rushton
Cannon	Long (Butler)	Sample
Coleman	Malone	Sanders
Cooper	Mastin	Sanford
Crum	Mayfield	Seale
Dudley	Mitchell	Sherrod
Edwards	Moore	Tunstall
Elrod	McCrory	Turner
Fuller	McCurdy	Vann
Garner	McDuffie	Wittmeier
Glover	Norville	Woolf
Gunter		

—64

Nays:

Mr. Tarrant.

—1

H. 112. To vacate and annul the charter and dissolve the corporation of the city of West End.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Baltzell	Burney
Altman	Barton	Cannon
Arnold	Benners	Cooper
Avery	Bloch	Cranford
Ballard (Autauga)	Brown	Crum

Cunningham	Mastin	Rushton
Doyle (Clarke)	Mayfield	Sample
Edwards	Mitchell	Sanders
Fuller	Moore	Sanford
Garner	McCurdy	Seale
Henley	McMillan	Sherrod
Hoffman	Norville	Smith (Elmore)
Hughes	Parker	Smith (Etowah)
John	Pearson	Smith (Lee)
Johnson	Peete	Thompson
Jones	Pratt	Tunstall
Killen	Price	Turner
King	Pugh	Urquhart
Kirby	Rainer	Vann
Lawson	Rattray	Wittmeier
Lindsey	Rice	Woolf
Malone	Rowe	

—64

Nays:
Mr. Tarrant.

—1

H. 114. To vacate and annul the charter and dissolve the corporation of the city of Graymont.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Cooper	King
Alford	Crum	Kirby
Altman	Cunningham	Lacy (Walker)
Arnoid	Doyle (Marengo)	Lawson
Avery	Edwards	Lindsey
Ballard (Autauga)	Fuller	Malone
Baltzell	Garner	Mastin
Barton	Glover	Mitchell
Benners	Henley	Moore
Bloch	Hoffman	McCrary
Brown	Hughes	McCurdy
Bulger	Jenkins	McDuffie
Burney	John	Norville
Cannon	Jones	Parker
Coleman	Killen	Pearson

Peete	Rushton	Tunstall .
Pratt	Sanders	Turner
Price	Sanford	Urquhart
Pugh	Seale	Vann
Rainer	Sherrod	„ ittmeier
Rice	Smith (Lee)	Woolf
Rowe		

—64

Nays:

Mr. Tarrant.

—1

H. 115. To vacate and annul the charter and dissolve the corporation of the city of North Haven.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	John	Pearson
Altman	Johnson	Peete
Avery	Jones	Pitts (Dallas)
Ballard (Pike)	Killen	Pratt
Baltzell	King	Price
Barton	Kirby	Pugh
Bloch	Lacy (Walker)	Rainer
Brown	Lawson	Rice
Bulger	Lee (Houston)	Rowe
Burney	Long (Butler)	Sample
Cannon	Malone	Sanders
Cooper	Maner	Seale
Crum	Mastin	Sherrod
Doyle (Marengo)	Mayfield	Smith (Elmore)
Dudley	Mitchell	Smith (Lee)
Fuller	Moore	Tunstall
Garner	McCurdy	Turner
Glover	McDuffie	Urquhart
Gunter	McMillan	Vann
Henley	Norville	White (Lamar)
Hughes	Parker	Woolf
Jenkins		

—64

Nays:

Mr. Tarrant.

—1

H. 116. To vacate and annul the charter and dissolve the corporation of the city of Elyton.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Killen	Rattray
Altman	King	Rice
Ballard (Pike)	Kirby	Rowe
Baltzell	Lacy (Walker)	Sample
Barton	Lee (Barbour)	Sanders
Benson	Lee (Houston)	Sanford
Bloch	Long (Butler)	Sherrod
Burney	Long (Morgan)	Smith (Elmore)
Cannon	Mayfield	Smith (Etowah)
Coleman	Moore	Smith (Lee)
Cranford	McCrary	Thompson
Crum	McCurdy	Tunstall
Cunningham	Norville	Turner
Doyle (Clarke)	Parker	Urquhart
Edwards	Pearson	Vann
Fuller	Peete	Wittmeier
Garner	Pitts (Dallas)	White (Lamar)
Glover	Pitts (Perry)	White (Perry)
Gunter	Powell (Covington)	Williams (Barbour)
Henley	Pratt	Williams (Lee)
Jenkins	Pugh	Woolf
John		

—64

Nays:

Mr. Tarrant.

—1

H. 117. To vacate and annul the charter and dissolve the corporation of the city of North Birmingham.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Burney	Crum
Avery	Cannon	Cunningham
Baltzell	Carmichael	Doyle (Clarke)
Benners	Coleman	Doyle (Marengo)
Brown	Cooper	Edwards
Bulger	Cranford	Fuller

Glover	Parker	Sanders
Henley	Pearson	Sanford
Hughes	Peete	Seale
John	Pitts (Dallas)	Sherrod
King	Pitts (Perry)	Smith (Elmore)
Lee (Houston)	Powell (Covington)	Smith (Lee)
Long (Morgan)	Pratt	Stollenwerck
Mayfield	Price	Thompson
Mitchell	Pugh	Tunstall
Moore	Rainer	Turner
McCrory	Rattray	Urquhart
McCurdy	Rice	Vann
McDuffie	Rowe	Wittneier
McMillan	Rushton	White (Lamar)
Norville	Sample	Woolf
Oliver		

—64

Nays:

Mr. Tarrant.

—1

H. 118. To vacate and annul the charter and dissolve the corporation of the city of Pratt City.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Doyle (Clark)	King
Arnold	Doyle (Marengo)	Kirby
Arrington	Dudley	Lancaster
Avery	Edwards	Lawson
Baltzell	Fuller	Lee (Houston)
Barton	Garner	Lindsey
Benners	Glover	Long (Butler)
Bloch	Glover	Long (Morgan)
Brown	Gunter	Malone
Burney	Henley	Mayfield
Cannon	Hoffman	Mitchell
Carmichael	Jenkins	Moore
Coleman	John	McCrory
Cooper	Johnson	McCurdy
Cranford	Jones	McDuffie
Cunningham	Killen	Parker

Peete	Rushton	Turner
Pitts (Dallas)	Sample	Urquhart
Powell (Covington)	Sanford	Vann
Pratt	Seale	Wittmeier
Price	Sherrod	Woolf
Pugh	Tunstall	

—64

Nays:
Mr. Tarrant.

—1

H. 121. To vacate and annul the charter and dissolve the corporation of the city of Woodlawn.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Henley	McMillan
Alford	Hoffman	Oliver
Altman	Hughes	Parker
Arnold	John	Pearson
Avery	Johnson	Peete
Ballard (Autauga)	Jones	Pratt
Baltzell	Killen	Price
Benners	King	Pugh
Bloch	Kirby	Rattray
Bulger	Lacy (Dallas)	Rowe
Burney	Lacy (Walker)	Rushton
Carmichael	Lawson	Sanford
Coleman	Lee (Houston)	Seale
Cooper	Lindsey	Stollenwerck
Crum	Long (Butler)	Tunstall
Cunningham	Mayfield	Turner
Doyle (Marengo)	Mitchell	Urquhart
Dudley	Moore	Vann
Edwards	McCrory	Wittmeier
Garner	McCurdy	White (Lamar)
Glover	McDuffie	Woolf
Gunter		

—64

Nays:
Mr. Tarrant.

—1

S. 24. To confer upon and vest in the board of revenue of Jefferson county, Alabama, exclusively, all the rights, jurisdiction, duties and powers, vested in the Jefferson county sanitary commission.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Glover	Pearson
Altman	Gunter	Peete
Arnold	Hughes	Pitts (Dallas)
Avery	Jenkins	Price
Baltzell	John	Pugh
Benners	Johnson	Rainer
Bloch	Jones	Rattray
Brown	Killen	Rice
Bulger	King	Rowe
Burney	Kirby	Rushton
Cannon	Lawson	Sample
Carmichael	Lindsey	Sanders
Coleman	Mitchell	Sanford
Cooper	Moore	Seale
Cranford	McCrory	Sherrod
Crum	McCurdy	Tarrant
Cunningham	McDuffie	Tunstall
Dudley	McMillan	Turner
Edwards	Norville	Urquhart
Elrod	Oliver	Vann
Fuller	Parker	Wolf
Garner		

—64

BILLS ON SECOND READING.

Mr. Rowe, acting chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 349. To refund to municipal corporations of Alabama the tax paid by such corporations for recording mortgages and deeds of trust securing the bonds issued by such municipal corporation.

S. 22. To appropriate the sum of \$30.00 for the year 1905, and the further sum of \$30.00 for the year 1907, and the further sum of \$30.00 for the year 1908, total \$90.00, to W. N. Clifton, of Randolph county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years.

The above and foregoing bills were severally read a second time, and placed on the calendar.

RESOLUTION.

The following resolution was introduced, read one time and referred to the standing committee on Rules:

By Mr. McDuffie.

H. R. 62. Resolved, That House bill 309 be made a special paramount continuing order for Monday, August 16th, at whatever hour the Rules committee may designate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bill your signature is requested:

S. 58. To provide for the construction, maintenance, improvement and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for

the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

J. A. KYLE, Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate bill the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and sends same herewith to the House without engrossment:

S. 99. To provide compensation for probate judges for services performed under and required by section 319 and 365 of the Code of Alabama.

S. 134. To amend section 3322 of the Code of 1907.

S. 137. To amend section 3860 of the Code of Alabama.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Privileges and Elections, S. 99.

Revision of Laws, S. 134, S. 137.

BILLS ON THIRD READING.

H. 337. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act together with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof to the Morgan county law and equity court.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Pratt
Altman	Jenkins	Pugh
Arnold	John	Rattray
Avery	Johnson	Rice
Baltzell	Jones	Rowe
Barton	Killen	Rushton
Benners	King	Sample
Bloch	Kirby	Sanders
Brown	Lancaster	Sanford
Carmichael	Lawson	Seale
Coleman	Lindsey	Sherrod
Cooper	Long (Morgan)	Smith (Elmore)
Cranford	Maner	Smith (Lee)
Crum	Mitchell	Stollenwerck
Cunningham	Moore	Tarrant
Dudley	McCurdy	Tunstall
Edwards	McDuffie	Turner
Elrod	Norville	Urquhart
Fuller	Parker	Vann
Garner	Pearson	Wittmeyer
Glover	Peete	Woolf
Henley		

—64

H. 307. To repeal an act entitled an act "To provide a road law for the county of Marengo, and to enforce the same," approved February 26th, 1907.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Oliver
Baltzell	Hoffman	Parker
Barton	John	Pearson
Benners	Johnson	Peete
Bloch	Jones	Pitts (Dallas)
Brown	Killen	Pitts (Perry)
Bulger	King	Pratt
Burney	Lacy (Dallas)	Pugh
Cannon	Lancaster	Rattray
Carmichael	Lawson	Rowe
Coleman	Lee (Barbour)	Sample
Cooper	Lee (Houston)	Sanders
Cranford	Lindsey	Sanford
Crum	Long (Morgan)	Seale
Cunningham	Mitchell	Sherrod
Doyle (Clarke)	Moore	Turner
Doyle (Marengo)	McCrary	Urquhart
Duiey	McCurdy	Vann
Edwards	McDuffie	Wittmeler
Fuller	McMillan	White (Lamar)
Garner	Norville	Woolf
Glover		

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H. 312. For the relief of T. J. Faris, county surveyor of Marion county, Alabama, by authorizing the payment of \$86.90 to him, the amount allowed by law to him as such county surveyor under section 3640 of the Code of 1896 for making the surveys and plats therein provided for in and for section 16, township 10, range 13, west, Marion county, Alabama, said work having been performed before the Code of 1907 became effective; to provide the manner of such payment and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said \$86.90 is concerned.

Was read a third time at length, and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Barton	Burney
Alford	Benners	Cannon
Avery	Bloch	Carmichael
Baltzell	Brown	Coleman

Cooper	Lawson	Price
Cranford	Lee (Houston)	Pugh
Cunningham	Long (Butler)	Rice
Doyle (Clarke)	Long (Morgan)	Rowe
Doyle (Marengo)	Mayfield	Rushton
Edwards	Mitchell	Sanders
Fuller	Moore	Sauford
Garner	McCrary	Seale
Gunter	McCurdy	Sherrod
Henley	McDuffie	Smith (Elmore)
Hoffman	McMillan	Tarrant
Jenkins	Norville	Tunstall
John	Parker	Turner
Jones	Pearson	Urquhart
Killen	Peete	Vann
King	Pitts (Perry)	Wittmeier
Kirby	Powell (Covington)	
Lacy (Dallas)	Pratt	

—64

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 110. To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, Graymont, Elyton, West End and a part of the territory now included within the cities or towns of North Birmingham, Pratt City, and Ensley, and other territory, and so as to exclude from the city of Birmingham, certain territory now included within the corporate limits of the said city of Birmingham.

H. 258. To abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

H. 278. To amend an act entitled "An act for the improvement of the public roads of Lowndes county, approved August 2, 1907, by repealing sections one, two, three, four, five, six, and seven of said act.

And has amended as therein shown and as amended has passed

H. 145. To amend sections 546 and 547 of the Code of 1907.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Lindsey, the House concurred in the Senate amendment to the bill, H. 145, said Senate amendment being as follows:

In line 27 of section one, strike out all after the word "paid," and strike out lines 28, 29 and 30, and in lieu thereof insert the following:

"By the county treasurer out of any money in the treasury immediately upon the presentation of an itemized account sworn to before any officer qualified by law to administer oaths."

Yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Pitts (Dallas)
Altman	John	Pitts (Perry)
Ballard (Autauga)	Johnson	Powell (Covington)
Ballard (Pike)	Killen	Pugh
Barton	King	Price
Benners	Kirby	Rowe
Bloch	Lawson	Rushton
Burney	Lee (Houston)	Sanders
Cannon	Lindsey	Sanford
Carmichael	Long (Morgan)	Sherrod
Cooper	Mitchell	Smith (Lee)
Cranford	Moore	Stollenwerck
Crum	McCrory	Tarrant
Cunningham	McCurdy	Tunstall
Doyle (Clarke)	McDuffie	Turner
Doyle (Marengo)	McMillan	Urquhart
Edwards	Parker	Wittmeier
Fuller	Pearson	White (Lamar)
Henley	Peete	Woolf

BILLS ON THIRD READING.

H. 267. To regulate the conduct of the retail beverage business so that it may not be made the means of evading and violating the prohibitory liquor laws of the State, and to prescribe remedies and procedure for securing compliance with this act.

Was read a third time at length, and passed.

Yeas, 46; nays, 10.

Yeas:

Messrs. Speaker	Fuller	Pearson
Altman	Garner	Peete
Ballard (Autauga)	Henley	Pitts (Perry)
Ballard (Pike)	Hughes	Pugh
Baltzell	John	Rowe
Benners	Killen	Rushton
Bulger	Kirby	Sanford
Burney	Lawson	Sherrod
Cannon	Lee (Houston)	Smith (Elmore)
Carmichael	Lindsey	Smith (Lee)
Cooper	Mitchell	Tarrant
Crum	Moore	Tunstall
Cunningham	McCrary	Turner
Doyle (Clarke)	McCurdy	Urquhart
Doyle (Marengo)	McDuffie	Wittmeier
Edwards	McMillan	White (Lamar)

—46

Nays:

Messrs.

Bloch	Long (Morgan)	Sample
Cranford	Parker	Sanders
Lacy (Dallas)	Pitts (Dallas)	Stollenwerck
Long (Butler)		

—10

H. 271. To better secure the enforcement of the laws of the State, to prescribe duties of sheriffs and solicitors in the enforcement of laws and to authorize their impeachment for willful neglect of duty.

Was read a third time at length, and passed.

Yeas, 40; nays, 24.

Yeas :

Messrs. Speaker	Hughes	Rowe
Altman	John	Rushton
Ballard (Autauga)	Killen	Seale
Ballard (Pike)	Kirby	Sherrod
Benners	Lindsey	Smith (Etowah)
Burney	Malone	Smith (Lee)
Carmichael	Mitchell	Tarrant
Cooper	Moore	Tunstall
Crum	McCrory	Turner
Cunningham	McCurdy	Urquhart
Doyle (Clarke)	McMillan	Vann
Doyle (Marengo)	Peete	Wittmeier
Fuller	Pitts (Perry)	White (Lamar)
Garner		

—40

Nays :**Messrs.**

Bloch	Lacy (Dallas)	Pitts (Dallas)
Cannon	Lawson	Pugh
Cranford	Lee (Houston)	Sample
Edwards	Long (Butler)	Sanders
Glover	Long (Morgan)	Sanford
Henley	McDuffie	Smith (Elmore)
Hoffman	Parker	Stollenwerck
King	Pearson	Woolf

—24

Mr. Ballard, of Autauga, moved to reconsider the vote by which the bill, H. 271, was passed and further moved to table the motion to reconsider and the motion to table prevailed.

RESOLUTION.

Mr. Hoffman introduced the following resolution:
By Mr. Hoffman.

H. R. 63. Be it resolved, That hereafter this House shall not adjourn for less than five days, and shall obtain the concurrence of the Senate for such adjournment in order to comply with the constitutional provision in regard to adjournment of each House; for we secure four dollars each day for our service here, and,

When the last thirty days has went,
 And the last four dollars is spent,
 The people of the State will scent,
 The reason for this expense,
 The pilot from Mobile,
 Who is always at the wheel,
 May jamb his ships on the shore—
 Or he may make arguments galore—
 But what is the use to dissent.

I love my farm,
 The farmer says,
 And I love my country store,
 But the city man, with his new-time ways,
 I love my four dollars more.

And, therefore, Mr. Speaker, I move that this Legislature remain in session with intermittent adjournments as long as it is possible so as not to violate the constitution of the State or our oath of office and collect as much out of the State treasury as we can for the distinguished service that we are rendering the State of Alabama.

And the above resolution was read by the Clerk. The Speaker ruled the resolution out of order.

Mr. Hoffman moved that when the House adjourns today it adjourn until 12 o'clock on Wednesday the 18th, and the motion was lost, the Speaker announcing that there were no yeas and no nays, voting on the motion of Mr. Hoffman.

RESOLUTION.

The following resolution was introduced:

By Mr. John.

H. J. R. 64. Believing that through the establishment of a National Bureau of Mines to conduct appropriate investigations, the National Government can co-operate with the States in lessening the loss of life in mining and the waste of resources:

Resolved, That the General Assembly of Alabama respectfully urges the Congress of the United States to establish a bureau at its next session.

Resolved, further, That copies of this resolution be sent to the Speaker of the House of Representatives and the President of the Senate in Washington; and to the Senators and Representatives from this State.

The resolution was referred to the standing committee on Judiciary.

ADJOURNMENT.

On motion of Mr. Lee (Houston) the House adjourned until 12 o'clock noon on Monday, Aug. 16th.

FIFTEENTH DAY.

House of Representatives,

MONTGOMERY, Ala., Monday, Aug. 16, 1909.

The House met pursuant to adjournment:

PRAYER.

The session was opened with prayer by Rev. Mr. Malone, of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Ballard (Pike)	Burney
Alford	Baltzell	Cannon
Arnold	Benners	Carmichael
Arrington	Benson	Cooper
Avery	Bloch	Cranford
Ballard (Autauga)	Bulger	Crum

Doyle (Clarke)	Lee (Barbour)	Rattray
Doyle (Marengo)	Lee (Etowah)	Rice
Dudley	Lee (Houston)	Rowe
Edwards	Lindsey	Rushton
Elrod	Long (Butler)	Sample
Fuller	Long (Morgan)	Sanders
Garner	Malone	Sanford
Glover	Mastin	Seale
Gunter	Mayfield	Sherrod
Haley	Mitchell	Smith (Elmore)
Henley	Moore	Smith (Etowah)
Hoffman	McCrory	Smith (Lee)
Hughes	McDuffie	Stollenwerck
Jenkins	McMillan	Tarrant
John	Parker	Thompson
Johnson	Pearson	Tunstall
Jones	Peete	Turner
Killen	Pitts (Dallas)	Urquhart
King	Pitts (Perry)	Vann
Kirby	Powell	Wittmeier
Lacy (Dallas)	Pratt	White (Lamar)
Lacy (Walker)	Price	Williams (Barbour)
Lancaster	Pugh	Williams (Lee)
Lawson	Rainer	Woolf

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on Revision of the Journal begs leave to report as follows:

We have examined the Journal for the fourteenth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the fourteenth day was approved.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. J. H. Edmondson, of Anniston; Hon. J. H. Bankhead, Jr., of Walker; Hon. W. O. Long and Judge Wood, of Henry; Capt. R. H. Haygood, of Jefferson; Hon. J. S. Mullins, of Elmore; Judge A. E. Singleton, of Bullock; Hon. T. M. Espy, and Hon. U. U. Acree, of Dothan, for today.

LEAVE OF ABSENCE.

Was granted to Mr. McCurdy and Mr. Barton for today.

REPORT OF RULES COMMITTEE.

Mr. John, from the standing committee on Rules, returned to the House the following resolution with a favorable report:

Rules Committee.

H. R. 65. Resolved, That at 4:30 p. m. this afternoon, the House will consider resolutions upon the life and character of our deceased brother, N. B. Powell, late a member of this House, and that upon the adoption of such resolutions this House shall adjourn out of respect to his memory.

And the resolution was adopted.

RESOLUTION.

Mr. Sample introduced the following resolution:

JOINT RESOLUTION.

H. R. 66. Whereas, there is now pending in the House, and in the Senate, numerous bills offered for and intended to enforce the general prohibition laws of the State and some of which bills are very voluminous, and the same propositions are covered and included in several of the said bills; and

Whereas, an early adjournment is desired by both the House and the Senate and one bill should be passed covering all the various propositions necessary to guarantee the efficient and prompt enforcement of said statutes, and which would be intelligent and easily understood and construed by the courts and people generally;

Now, therefore, be it resolved by the House, the Senate concurring, That a special committee be appointed consisting of five members from the House and four members from the Senate, who shall take all of the several and various bills now pending and which may be offered both in the House and in the Senate and to draw and report to the House and Senate one or more general bills which will cover all prohibition legislation necessary to guarantee the prompt and efficient enforcement of the prohibition statutes of the State, which said bill or bills shall harmonize with the acts already passed and approved by the Governor, and that the provisions in these bills will not conflict with or re-enact the provisions of the bills already passed.

And the resolution was referred to the committee on Rules.

BILLS ON SECOND READING.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 361. To allow appeals from tax assessments made by tax commissioners or courts of county commissioners or courts or boards of like jurisdiction.

H. 363. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

Mr. Smith, of Elmore, chairman of the standing committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 362. To repeal the local road laws applying to the county of Montgomery.

Mr. Vann, acting chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 92. To amend section 545 of chapter 17 of the Code.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment;

S. 134. (With amendment.) To amend section 3322 of the Code of 1907.

Mr. Woolf, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 220. To regulate and fix the time and places for assessing and collecting taxes of Coffee county.

H. 345. To authorize the tax collectors of the State to pay over funds collected by them under special, general or local laws which have been repealed or the levy declared null and void.

H. 354. To promote and secure the erection of cotton mills and factories in the State of Alabama.

H. 358. To amend sections 2120, 2122, 2156, 2174 and 2175 and 2158 of the Code of Alabama.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 357. To relieve banking institutions conducted by individuals or firms or corporations organized under the laws of this State, from the payment of any municipal license tax.

The above and foregoing bills were severally read a second time, and placed on the calendar.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Haley.

H. 365. To provide for assistance in the office of county treasurers, and to fix compensation therefor.

Revision of Laws.

By Mr. Haley.

H. 366. To authorize the sale, lease or disposition of an electric light plant, gas plant or water works plant owned by any city, town or municipal corporation in this State.

Municipal Organization.

By Mr. Cranford.

H. 367. To amend section 6898 of the Code of 1907.
Game, Fish and Forestry Preservation.

By Mr. John.

H. 368. To protect members of the Legislature from illegal arrests, and prescribe adequate punishment for violations of the rights secured in section 56 of the constitution.

Judiciary.

By Mr. Mastin.

H. 369. To allow confederate soldiers to engage in the business of peddling in the State of Alabama without payment of license.

Judiciary.

By Mr. King.

H. 370. To amend section 305 of the Code of Alabama.

Privileges and Elections.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Public Health, S. 87.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 12. To amend section 5520 of the Code.

H. 14. To provide for and authorize appeals from any action or order of the railroad commission of Alabama reducing or increasing or refusing to increase any rates, fares or charges by common carriers for the transportation of property, freight or passengers, specifically prescribed by statute, or made the maximum rates by statute, or established by the railroad commission.

H. 15. To repeal an act entitled "An act to exclude from the railroad commission and the members thereof and the attorney general all power, authority or duty to enforce any rates, fares or charges, for the transportation of property or passengers which have been or which may hereafter be prescribed by statute, or made the maximum rates by statute, or any law now existing or which may hereafter be enacted prescribing such rates, fares or charges which have been or may hereafter be established by the railroad commission's orders establishing the same, and all power and authority to instruct, direct or request the attorney general to institute

any legal proceedings to enforce such rates, fares, charges, statutes or orders," approved November 23, 1907.

H. 60. To educate the children of Alabama on the evils of intemperance.

H. 281. To establish a county court for the county of Shelby.

H. 145. To amend sections 546 and 547 of the Code of 1907.

H. 258. To abolish the municipal corporation of Hobson City, in Calhoun county, Alabama.

H. 278. To amend an act entitled "An act for the improvement of the public roads of Lowndes county, approved August 2, 1907, by repealing sections one, two, three, four, five, six, and seven of said act.

H. 110. To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bills, your signature is requested:

S. 49. To provide that all confederate soldiers, sailors, and their widows who are entitled to draw a pension under the laws of Alabama, shall be entitled to and receive a pension of the first class when they are or shall become eighty years of age.

J. A. KYLE, Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which is set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 111. To vacate and annul the charter and dissolve the corporation of the city of East Lake.

H. 112. To vacate and annul the charter and dissolve the corporation of the city of West End.

H. 114. To vacate and annul the charter and dissolve the corporation of the city of Graymont.

H. 115. To vacate and annul the charter and dissolve the corporation of the city of North Haven.

H. 116. To vacate and annul the charter and dissolve the corporation of the city of Elyton.

H. 117. To vacate and annul the charter and dissolve the corporation of the city of North Birmingham.

H. 118. To vacate and annul the charter and dissolve the corporation of the city of Pratt City.

H. 121. To vacate and annul the charter and dissolve the corporation of the city of Woodlawn.

H. 267. To regulate the conduct of the retail beverage business so that it may not be made the means of evading and violating the prohibitory liquor laws of the

State, and to prescribe remedies and procedure for securing compliance with this act.

¶. 271. To better secure the enforcement of the laws of the State, to prescribe duties of sheriffs and solicitors in the enforcement of laws and to authorize their impeachment for willful neglect of duty.

H. 307. To repeal an act entitled an act "To provide a road law for the county of Marengo, and to enforce the same," approved February 26th, 1907.

H. 312. For the relief of T. J. Faris, county surveyor of Marion county, Alabama, by authorizing the payment of \$86.90 to him, the amount allowed by law to him as such county surveyor under section 3640 of the Code of 1896 for making the surveys and plats therein provided for, in and for section 16, township 10, range 13, W., Marion county, Alabama, said work having been performed before the Code of 1907 became effective; to provide the manner of such payment and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said \$86.90 is concerned.

H. 320. To amend section 14 of No. 88, H. 338, approved the 26th day of February, 1907, to provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same, to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, describing the manner in which they may pay in lieu of work to the

tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

H. 337. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof to the Morgan county law and equity court.

ERNEST LACY, Chairman.

The report of the committee was concurred in.

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was H. 289, and the bill,

H. 289. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said towns and cities if the licensee violates said ordinances, and power to provide for the destruction of contraband liquors.

Was read a third time at length and passed.

Yeas, 56; nays, 2.

Yeas:

Messrs. Speaker	Carmichael	Glover
Ballard (Autauga)	Cooper	Gunter
Ballard (Pike)	Cranford	Henley
Benners	Crum	Hughes
Benson	Doyle (Clarke)	John
Bulger	Doyle (Marengo)	Jones
Burney	Fuller	King
Cannon	Garner	Kirby

Lacy (Walker)	Peete	Sanders
Lawson	Pitts (Dallas)	Sherrod
Lee (Etowah)	Pitts (Perry)	Smith (Elmore)
Lindsey	Powell	Smith (Lee)
Malone	Price	Tarrant
Mayfield	Pugh	Tunstall
Mitchell	Rainer	Urquhart
McCrary	Rattray	Vann
McMillan	Rice	Wittmeier
Parker	Rowe	White (Lamar)
Pearson	Rushton	

—56

Nays:
Messrs.
Edwards

Stollenwerck

—2

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the bill,

H. 301. To suppress gaming and gaming places.

Was taken up. On motion of Mr. Haley the further consideration of the bill, H. 301, was postponed until tomorrow morning and that said bill would not lose its place upon the calendar.

SPECIAL ORDER.

The House proceeded to the consideration of the special order which was the bill, H. 324, and the bill,

H. 324. To prescribe the restrictions and conditions under which regular practicing physicians who are retail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act, and for other violations thereof.

Was read a third time at length and passed.

Yeas, 57; nays, 8.

Yeas :

Messrs. Speaker	Gunter	Pitts (Perry)
Arnold	Haley	Powell
Ballard (Autauga)	Henley	Price
Ballard (Pike)	Hughes	Pugh
Benners	Jenkins	Rainer
Benson	John	Rice
Bulger	Jones	Rowe
Burney	Killen	Rushton
Cannon	King	Sanders
Carmichael	Kirby	Sherrod
Cooper	Lacy (Walker)	Smith (Elmore)
Cranford	Lawson	Smith (Lee)
Crum	Lee (Barbour)	Tarrant
Doyle (Clark)	Malone	Tunstall
Doyle (Marengo)	Mayfield	Urquhart
Elrod	Mitchell	Vann
Fuller	McMillan	Wittmeier
Garner	Pearson	White (Lamar)
Glover	Peete	Williams (Lee)

—57

Nays :

Messrs.

Bloch	Mastin	Sample
Edwards	Parker	Stollenwerck
Long (Butler)	Ratray	

—8

On motion of Mr. Fuller the bill, H. 324, was ordered sent forthwith to the Senate without engrossment.

RECESS.

The hour of one o'clock having arrived the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

WITHDRAWAL OF BILL.

Mr. Gunter asked unanimous consent to withdraw H. 227. Consent was granted and the bill H. 227 was withdrawn.

LEAVE OF ABSENCE.

Was granted to Mr. Cunningham for today and tomorrow.

RESOLUTION.

The following resolution was introduced and referred to the committee on Temperance:

By Mr. Bloch.

H. R. 67. Resolved, That the Governor be requested to inform this House how much of the contingent fund has been given or paid to the Anti-Saloon or Law and Order League.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 264. To fix the time of holding the circuit court in the third judicial circuit of the State of Alabama.

H. 24. To legalize and to authorize and instruct the county treasurer of Crenshaw county, Alabama, to pay warrant No. 34 and warrant No. 80 issued by the court of county commissioners of said county at the August term, 1898, and August term, 1899, of said court for forty-two dollars and ninety-four dollars, respectively, with interest thereon from date of issuance out of any money in the treasury not otherwise appropriated, which warrants were duly filed and registered by the county treasurer of said county on the 11th day of August, 1898, and the 17th day of August, 1899, respectively.

H. 32. To fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations.

H. 88. To provide for the consolidation of the various funds in the treasury of the State, and regulating the manner in which appropriations shall be paid out of the consolidated fund.

H. 55. To provide for the filling of any vacant office of the State, or any county, or any municipality, when there is no provision of law for filling such vacancy.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

H. 296. To amend section 572 of the Code of Alabama. Was read a third time at length and passed.

Yeas, 52; nays, 11.

Yeas:

Messrs. Speaker	Hughes	Pitts (Perry)
Ballard (Autauga)	John	Powell
Ballard (Pike)	Jones	Price
Benners	Kirby	Pugh
Benson	Lawson	Rainer
Burney	Lee (Barbour)	Rice
Cannon	Lee (Houston)	Rowe
Carmichael	Lindsey	Rushton
Cooper	Long (Butler)	Sanders
Cranford	Malone	Seale
Crum	Mayfield	Smith (Lee)
Doyle (Marengo)	Mitchell	Tarrant
Dudley	McCrory	Tunstall
Fuller	McMillan	Urquhart
Garner	Pearson	Wittmeier
Gunter	Peete	Williams (Lee)
Haley	Pitts (Dallas)	Woelf
Henley		

—52

Nays:

Messrs.

Bloch	McDuffie	Smith (Elmore)
Edwards	Parker	Stollenwerck
Glover	Sample	White (Lamar)
Killen	Sherrod	

—11

And the bill H. 296 was ordered sent forthwith to the Senate without engrossment.

H. 183. To amend section 6957 of the Code of Alabama, 1907.

Was taken up. Mr. Pitts, of Perry, moved to table the bill, and the motion to table was lost.

And the bill,

H. 183. To amend section 6457 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 63; nays, 3.

Yeas:

Messrs. Speaker	Henley	Pearson
Ballard (Autauga)	Hughes	Pitts (Dallas)
Ballard (Pike)	Jones	Powell
Bartzen	Killen	Price
Benners	King	Pugh
Bloch	Lacy (Dallas)	Rainer
Burney	Lacy (Walker)	Rice
Cannon	Lawson	Rowe
Carmichael	Lee (Barbour)	Rushton
Cooper	Lee (Houston)	Sample
Cranford	Lindsey	Sanders
Crum	Long (Butler)	Sherrod
Doyle (Clarke)	Long (Morgan)	Smith (Elmore)
Doyle (Marengo)	Malone	Stollenwerck
Dudley	Mastin	Tarrant
Edwards	Mayfield	Tunstall
Fuller	Mitchell	Urquhart
Garner	McCrory	Wittmeier
Glover	McDuffie	White (Lamar)
Gunter	McMillan	Williams (Lee)
Haley	Parker	Woolf

—63

Nays:

John	Peete	Pitts (Perry)
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—3

And on motion of Mr. Henley, the bill, H. 183, was ordered sent forthwith to the Senate without engrossment.

H. 229. To amend section 534 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 57; nays, 5.

Yeas :

Messrs. Speaker	Hughes	Peete
Ballard (Autauga)	John	Powell
Ballard (Pike)	Jones	Price
Baltzell	Killen	Pugh
Benners	King	Rainer
Benson	Lacy (Dallas)	Rice
Bloch	Lawson	Rowe
Burney	Lee (Barbour)	Rushton
Carmichael	Lindsey	Sanders
Cooper	Long (Morgan)	Seale
Cranford	Malone	Sherrod
Crum	Mastin	Stollenwerck
Doyle (Clarke)	Mayfield	Tarrant
Doyle (Marengo)	Mitchell	Tunstall
Edwards	McCrory	Urquhart
Glover	McDuffie	Vann
Gunter	McMillan	Wittieier
Haley	Parker	Williams (Lee)
Henley	Pearson	Woolf

—57

Nays :

Messrs.

Cannon	Pitts (Perry)	White (Lamar)
Elrod	Sample	

—5

H. 230. To amend an act to further regulate elections in the State of Alabama, approved November 23, 1907.

Was taken up. Mr. Gunter offered the following amendment to the bill: Amend bill by adding the words, "for those lists furnished and those to be furnished in accordance with the laws of the State."

And the amendment was adopted.

Yeas, 52; nays, 7.

Yeas :

Messrs. Speaker	Dudley	King
Baltzell	Fuller	Lawson
Benners	Glover	Lee (Barbour)
Burney	Gunter	Lee (Etowah)
Carmichael	Henley	Lindsey
Cranford	Hughes	Long (Butler)
Crum	John	Long (Morgan)
Doyle (Marengo)	Jones	Malone

Mastin	Pugh	Smith (Elmore)
Mayfield	Rainer	Smith (Lee)
Mitchell	Rice	Stollenwerck
McCrory	Rowe	Tarrant
McDuffie	Rushton	Tunstall
McMillan	Sample	Urquhart
Parker	Sanford	Vann
Pearson	Seale	Williams (Lee)
Powell	Sherrod	Woolf
Price		

—52

Nays:

Messrs.

Ballard (Autauga)	Edwards	Pitts (Perry)
Ballard (Pike)	Elrod	White (Lamar)
Cannon		

—7

And the bill,

H. 230. To amend an act to further regulate elections in the State of Alabama, approved November 23, 1907.

As amended, was read a third time at length, and passed.

Yeas, 49; nays, 15.

Yeas:

Messrs. Speaker	Hughes	Parker
Ballard (Autauga)	John	Pearson
Ballard (Pike)	Jones	Powell
Baltzell	King	Price
Benners	Lacy (Dallas)	Pugh
Benson	Lawson	Rainer
Bloch	Lee (Barbour)	Rice
Burney	Lee (Etowah)	Rowe
Carmichael	Lindsey	Sanders
Cranford	Long (Morgan)	Seale
Doyle (Marengo)	Malone	Smith (Lee)
Dudley	Mastin	Stollenwerck
Fuller	Mayfield	Tarrant
Garner	McCrory	Tunstall
Glover	McDuffie	Urquhart
Gunter	McMillan	Woolf
Henley		

—49

Nays:

Messrs.

Cannon	Long (Butler)	Sherrod
Doyle (Clarke)	Mitchell	Smith (Elmore)
Edwards	Pitts (Perry)	Vann
Elrod	Rushton	White (Lamar)
Killen	Sample	Williams (Lee)

—15

On motion of Mr. Gunter the bills, H. 229 and H. 230, were ordered sent forthwith to the Senate without engrossment.

S. 8. To legalize and confirm all appropriations heretofore made by the commissioners' court of Etowah county to aid in the erection of what is known as the Emma Sansom monument at Gadsden, Alabama; to aid in the erection of the building for the State High School for Etowah county, at Attalla, Alabama; and to aid in the relief of those injured in the cyclone at Albertville, Alabama, at the time that city was wrecked by cyclone.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Jenkins	Pitts (Perry)
Arnold	John	Powell
Ballard (Pike)	Jones	Price
Baltzell	Killen	Pugh
Benners	King	Rainer
Benson	Kirby	Ratray
Bloch	Lawson	Rice
Burney	Lee (Etowan)	Rowe
Cannon	Lee (Houston)	Rushton
Cooper	Lindsey	Sample
Cranford	Malone	Sanders
Crum	Mastin	Sanford
Dudley	Mayfield	Seale
Edwards	Mitchell	Sherrod
Elrod	McCrory	Tarrant
Fuller	McDuffie	Tunstall
Garner	McMillan	Turner
Glover	Parker	Urquhart
Gunter	Pearson	Vann
Halley	Peete	Wittmeier
Henley	Pitts (Dallas)	Woolf
Hughes		

—64

H. 27. To fix and regulate the right of voting of each stockholder in corporations organized under the laws of Alabama.

Was read a third time, at length and passed.

Yeas, 53; nays, 2.

Yeas:

Messrs. Speaker	Lawson	Rainer
Ballard (Pike)	Lee (Barbour)	Rattray
Benness	Lee (Etowah)	Rice
Benson	Lee (Houston)	Rowe
Burney	Lindsey	Rushton
Carmichael	Long (Butler)	Sanders
Cooper	Malone	Seale
Cranford	Mayfield	Sherrod
Crum	Mitchell	Smith (Elmore)
Dudley	McCrory	Smith (Etowah)
Garner	McDuffie	Smith (Lee)
Glover	McMillan	Stollenwerck
Gunter	Parker	Tarrant
Henley	Peete	Tunstall
Hughes	Pitts (Dallas)	Vann
John	Pitts (Perry)	Wittmeier
King	Powell	Woolf
Lacy (Dallas)	Pugh	

—53

Nays:

Messrs

Elrod

Sample

—2

On motion of Mr. Sherrod, the bill, H. 27, was ordered sent forthwith to the Senate without engrossment.

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred instalments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

Was taken up. The hour having arrived for the consideration of memorials and eulogies on the life of the late Hon. N. B. Powell, of Bullock, the further consideration of the bill H. 355 was postponed until tomorrow morning.

MEMORIAL SESSION.

The hour having arrived, the House resolved itself into memorial session.

Mr. Rainer offered the following resolution:
H. R. 68. By Mr. Rainer.

RESOLUTION UPON THE DEATH OF HON. N. B. POWELL, OF BULLOCK COUNTY.

Resolved by the House of Representatives, assembled in memorial session, to do honor to the memory of our departed brother, the Hon. N. B. Powell, of Bullock county, that the members of the House have learned of his death with deep sorrow:

Resolved, That in his death the State has lost a patriotic citizen, and an able and efficient public servant, and the House of Representatives has lost an honored, wise and useful member, one respected and esteemed by us all;

Resolved, That his upright character and exalted virtues render him worthy of imitation by all who admire the traits of a noble manhood;

Resolved, That we tender his family and constituents our sincere condolence in the bereavement they have suffered, and as a mark of our sympathy we direct that the Clerk of the House engross a copy of these resolutions and send the same to his family.

Eulogies on the life and character of the late Hon. N. B. Powell, of Bullock county, were delivered by the following members of the House:

Messrs. Rainer, Pitts (Dallas), John, Seale, Sherrod, Rushton, Gunter, Lee (Etowah), McMillan, McCrory, McDuffie and the Speaker of the House, Mr. Carmichael.

The Clerk of the House was directed to dedicate a page of today's Journal to the memory of Mr. Powell.

DEDICATED
TO THE
MEMORY
OF
HON. N. B. POWELL
OF
BULLOCK COUNTY
ALABAMA

On motion of Mr. Pitts, of Dallas, the resolution on the death of Hon. N. B. Powell, was adopted by a unanimous rising vote.

ADJOURNMENT.

In respect to the memory of the late Hon. N. B. Powell, Representative from Bullock county, the House adjourned until tomorrow morning at 10 o'clock.

SIXTEENTH DAY.

House of Representatives,

MONTGOMERY, Ala., Tuesday, Aug. 17th, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Malone, of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Bloch	Edwards
Alford	Bulger	Elrod
Altman	Burney	Fuller
Armstrong	Cannon	Garner
Arnold	Carmichael	Glover
Arrington	Cooper	Gunter
Ballard (Autauga)	Cranford	Haley
Ballard (Pike)	Crum	Henley
Baltzell	Cunningham	Hoffman
Barton	Doyle (Clarke)	Hughes
Benners	Doyle (Marengo)	Jenkins
Benson	Dudley	John

Jones	McCrory	Sanford
Killen	McCurdy	Seale
King	McDuffie	Sherrod
Kirby	McMillan	Smith (Elmore)
Lacy (Dallas)	Parker	Smith (Etowah)
Lacy (Walker)	Pearson	Smith (Lee)
Lancaster	Peete	Stollenwerck
Lawson	Pitts (Dallas)	Tarrant
Lee (Barbour)	Pitts (Perry)	Thompson
Lee (Etowah)	Powell	Tunstall
Lee (Houston)	Pratt	Turner
Lindsey	Price	Urquhart
Long (Butler)	Pugh	Vann
Long (Morgan)	Rainer	Wittmeier
Malone	Rattray	White (Lamar)
Mastin	Rice	White (Perry)
Mayfield	Rowe	Williams (Barbour)
Middleton	Rushton	Williams (Lee)
Mitchell	Sample	Woolf
Moore	Sanders	

—95

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the fifteenth day and find the same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the fifteenth day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Coleman for today, and to Mr. Smith, of Lee, for the morning session.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. R. H. Parks, of Troy; Hon. Felix Smith, of Coosa; Hon. J. H. Edmondson, of Anniston, and Hon. Frank Wallace, of Tallapoosa, for today.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules, returned to the House the following resolution, with a favorable report:

Rules Committee.

H. R. 69. Resolved, That the following bills in the order named be made special, paramount and continuing orders for today immediately after the reports of standing committees and that the said bills will not be displaced by any special order hereafter made. H. 361, H. 294, H. 156, H. 128, H. 195, H. 75, H. 76, H. 68, H. 6, H. 295, H. 262, H. 263, H. 270, H. 210, H. 259, H. 349, H. 90, H. 353, H. 341, H. 67, H. 224, H. 160, H. 248, H. 52, H. 282, H. 205, H. 4, H. 77, H. 206, H. 225, H. 275, H. 264, H. 255, H. 232, H. 359, H. 41, H. 93, H. 304, H. 338, H. 96, H. 99, H. 247, H. 71, H. 72, H. 254, H. 198, H. 86, H. 305, H. 251, H. 292, H. 193, H. 288, H. 283, H. 335, H. 226, S. 66, S. 7, S. 40, S. 70, S. 80, S. 79.

And the resolution was adopted.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules, returned to the House the following resolutions with a favorable report:

Rules Committee.

H. R. 70. Resolved, That the House remain in session today until 10 o'clock p. m. That recess be had from 1 till 3 o'clock p. m., and from 6 till 8 o'clock p. m. That at the night session the special order calendar No. 2 prepared by the committee on Rules be considered.

Resolved, That 3 p. m. today the call of counties be had for the passage of local bills, the call not to continue longer than thirty minutes.

Resolved, That on tomorrow the House meet at 9 o'clock.

Rules Committee.

H. J. R. 71. Resolved, by the House, the Senate concurring, that the Senate committee on Rules be, and is, hereby requested to meet with the House committee on Rules for the purpose of fixing a day when the Legislature shall adjourn and that said joint committee shall report by joint resolution.

And the resolutions were adopted.

The following resolution was introduced :

By Mr. Pitts, of Dallas.

H. J. R. 72. Resolved by the House, the Senate concurring, That 10,000 copies of each of the prohibition bills be printed in pamphlet form and sent to every officer and justice of the peace in the State, judge and members of the Legislature in order that the officers shall know the effect of the laws.

And the resolution was referred to the committee on Rules.

RILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following House joint resolution and ordered same returned to the House with a favorable report :

H. J. R. 63. Believing that through the establishment of a National Bureau of Mines to conduct appropriate investigations, the national government can co-operate with the states in lessening the loss of life in mining and the waste of resources.

Resolved, That the General Assembly of Alabama respectfully urges the congress of the United States to establish such a bureau at its next session.

Resolved, further, That copies of this resolution be sent to the Speaker of the House of Representatives and the President of the Senate in Washington; and to the Senators and Representatives in congress from this State.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 344. To regulate the appointment by sheriffs of special deputies and prescribe their qualifications and define the liabilities of those who recommend the appointment of the special deputies and pay them.

H. 348. To fix the times of holding in each year circuit court of Elmore county in the fifteenth judicial circuit of the State of Alabama, and to repeal all other laws in conflict with this act.

H. 351. To amend section 7692 of the Code of 1907.

H. 368. To protect members of the Legislature from illegal arrest, and prescribe adequate punishment for violations of the rights secured in section 56 of the constitution.

H. 369. To allow confederate soldiers to engage in the business of peddling in the State of Alabama without payment of license.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 365. To provide for assistance in the office of county treasurers, and to fix compensation therefor.

Mr. Rowe, acting chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 219. For the relief of Dr. Philip V. Speir.

H. 343. For the relief of J. R. Harper, a confederate soldier.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 74. To amend an act entitled an act to establish the court of county revenues of Dallas county, approved February 8, 1901.

H. 228. To authorize and regulate the deposit of county funds in bank.

H. 265. To fix and regulate the salaries of probate judges, sheriffs, clerks (or clerks and registers), of the circuit, city, law and equity, criminal or other courts of record, registers in chancery, tax assessors and tax collectors; to provide for the distribution of the fees of their offices; to provide for the employment and compensation of the deputies of said officers in counties having 50,000 population and over.

Mr. Ballard, of Autauga, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 364. To prohibit the sale, giving away, or otherwise disposing of coca cola or any substitute therefor, or the selling, giving away or otherwise disposing of any drink containing caffeine.

Mr. Pitts, of Dallas, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 137. To amend section 3860 of the Code of Alabama.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Kirby.

H. 371. To amend section 7083 of the Code of Alabama of 1907.

Agriculture.

By Mr. Sample. (By request.)

H. 372. To require the recordation of grants, options, leases, or other contracts purporting to vest in any person the right or privilege to mine coal or other minerals or to sink oil or gas wells, operate and maintain such wells.

Judiciary.

By Mr. Sanford.

H. 373. To provide for the payment of insurance and repairs on buildings at the soldiers' home at Mountain Creek, Alabama.

Appropriations.

By Mr. Stollenwerck. (By request.)

H. 374. To prohibit the sale of fowls which have been killed for consumption until they have been completely dressed and their entrails drawn.

Commerce and Common Carriers.

By Mr. Lee, of Barbour.

H. 375. To define the scope of a diploma issued by the Medical Department of the University of Alabama.

Education.

By Mr. Lindsey. (With notice and proof.)

H. 376. For the relief of J. H. Hollis, J. B. Ford and B. K. Smith, confederate veterans of Choctaw county.

Revision of Laws.

Notice and proof H. 376:

NOTICE.

An act for the relief of J. H. Hollis, J. B. Ford and B. K. Smith, ex-confederate soldiers, being residents of Choctaw county, Alabama. Whereas, J. H. Hollis, J. B. Ford and B. K. Smith applied for pensions in 1908, and, whereas, their proof was in all respects sufficient, and the county board of pension examiners for said county recommended in their report that their applications be granted, and, whereas, the State board of pension examiners failed to recommend that they be placed on the pension roll:

Sec. 1. Be it enacted by the Legislature of Alabama, That the State Auditor be and is hereby authorized and required to draw his warrant on the treasury of Alabama for \$44.40 each for said pensioners for the year of 1908, to be paid out of any balance in the pension fund of the State by the treasurer of the State of Alabama.

W. H. LINDSEY.

State of Alabama, }
Choctaw County. }

Before me, Chas. E. McCall, judge of the probate court, in and for said county, personally appeared W. L. Gray, who being by me duly sworn, deposes and says that he is the editor of the Choctaw Advocate, a newspaper published in Butler, Choctaw county, Alabama, and that the attached clipping was duly published in said paper for four consecutive weeks next before this date.

W. L. GRAY,
Editor of the Advocate.

Sworn to and subscribed before me, this the 14th day of August, 1909.

CHAS. E. MCCALL,
Judge of Probate.

By Mr. Cunningham.

H. 377. To confirm and validate the issuance of bonds when an election has been held and to authorize the sale of the same.

Municipal Organization.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

S. 62. To define and regulate negotiable instruments.

S. 102. To amend section 5231 of the Code of Alabama of 1907.

And same is sent herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 62, S. 102.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills:

H. 154. To amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907.

And has amended as therein shown and as amended has passed,

H. 30. To prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for violations of the terms of this act under affidavit and warrant or information and without indictment.

And has passed:

H. 207. To amend section 929 of the Code of 1907.

H. 169. To amend section 3484 of the Code of Alabama.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Garner the House concurred in the Senate amendment to H. 30, said Senate amendment being as follows:

Amend by adding fifty dollars, instead of five hundred dollars, where the same occurs in section 2 of the bill.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Peete
Alford	Garner	Pitts (Dallas)
Altman	Haley	Pitts (Perry)
Armstrong	Henley	Pratt
Arnold	Hughes	Price
Arrington	John	Pugh
Ballard (Autauga)	Jones	Rainer
Ballard (Pike)	King	Ratray
Baltzell	Kirby	Rowe
Barton	Lacy (Dallas)	Rushton
Benmers	Lawson	Sanders
Benson	Lee (Barbour)	Sanford
Bloch	Long (Butler)	Sherrod
Bulger	Mastin	Smith (Lee)
Burney	Mayfield	Stollenwerck
Cannon	Mitchell	Tarrant
Carmichael	McCrary	Tunstall
Cooper	McCurdy	Turner
Cranford	McMillan	Vann
Cunningham	Parker	White (Lamar)
Doyle (Marengo)	Pearson	Williams (Barbour)
Dudley		

—64

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 264. To fix the time of holding the circuit court in the third judicial circuit of the State of Alabama.

H. 24. To legalize and to authorize and instruct the county treasurer of Crenshaw county, Alabama, to pay warrant No. 34 and warrant No. 80 issued by the court of county commissioners of said county at the August term, 1898, and August term, 1899, of said court for forty-two dollars and ninety-four dollars, respectively, with interest thereon from date of issuance out of any money in the treasury not otherwise appropriated, which warrants were duly filed and registered by the county treasurer of said county on the 11th day of August, 1898, and the 17th day of August, 1899, respectively.

H. 88. To provide for the consolidation of the various funds in the treasury of the State, and regulating the manner in which appropriations shall be paid out of the consolidated fund.

H. 32. To fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations.

H. 55. To provide for the filling of any vacant office of the State, or any county, or any municipality, when there is no provision of law for filling such vacancy.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report of the standing committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bills:

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

H. 289. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said towns and cities if the license violates said ordinances, and power to provide for the destruction of contraband liquors.

ERNEST LACY, Chairman.

And the report of the committee was concurred in.

Mr. Kirby gave notice that on tomorrow he would move to take S. 137 from the adverse calendar.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill, H. 355.

Mr. King offered the following substitute for the bill, Substitute for H. 355:

A bill to be entitled an act to provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collecting of assess-

ments for such improvements, and the issue of bonds to anticipate the collection of deferred installments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

Section 1. Be it enacted by the Legislature of Alabama, That when any municipal corporation has been absorbed, or its government extinguished by the alteration or rearrangement of the boundary lines of another city or town, the city or town whose boundary lines have been altered and rearranged shall assume and pay any and all debts, liabilities and bonds of every kind and character, and the interest thereon when the same becomes due, which may have been lawfully contracted or issued by the city or town so absorbed, or whose government has been extinguished and the city or town whose boundary lines have been altered and rearranged, and thereby absorbing and extinguishing the government of another municipality, shall assume, carry on and complete all contracts for local improvements which may have been entered into by the city or town so absorbed, or whose government has been so extinguished and the said city or town whose boundary lines have been so altered or rearranged shall have all the powers with reference to the making of assessments for local improvements, the collection thereof, as if such improvements had been originally instituted by it, and such last described city or town is hereby authorized, empowered and required to grant to property owners the same privileges of paying local assessments in installments, as they would be entitled to, if their municipal organization had not changed, and for the purpose of carrying into effect this privilege the city or town whose boundary lines have been so altered or rearranged shall issue its bonds in the place and stead of the bonds which would have been issued by the city or town whose government has been extinguished, to the end that all contracts for local improvements and the sale of bonds to carry on the same shall be faithfully observed and executed.

And the substitute was adopted.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Glover	Pugh
Altman	Haley	Rainer
Arnold	John	Rattray
Arrington	Jones	Rowe
Ballard (Autauga)	Killen	Rushton
Ballard (Pike)	King	Sample
Barton	Lacy (Dallas)	Sanders
Benners	Lawson	Sanford
Benson	Lee (Etowah)	Sherrod
Bulger	Mayfield	Smith (Elmore)
Burney	Mitchell	Stollenwerck
Cannon	McCrary	Tarrant
Carmichael	McCurdy	Tunstall
Cooper	McMillan	Turner
Cunningham	Parker	White (Lamar)
Doyle (Clarke)	Pearson	White (Perry)
Doyle (Marengo)	Pitts (Dallas)	Williams (Barbour)
Edwards	Pitts (Perry)	Williams (Lee)
Fuller	Price	Woolf
Garner		

—58

And the bill,

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred installments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

As amended by the substitute, was read a third time at length, and passed.

Yeas, 57; nays, 1.

Yeas:

Messrs. Speaker	Altman	Arnold
Alford	Armstrong	Ballard (Autauga)

Ballard (Pike)	Killen	Pugh
Baltzell	King	Rainer
Barton	Kirby	Rowe
Benners	Lawson	Rushton
Benson	Long (Butler)	Sample
Burney	Mayfield	Sanders
Cannon	Mitchell	Sanford
Carmichael	McCrory	Sherrod
Doyle (Marengo)	McCurdy	Stollenwerck
Elrod	McMillan	Tarrant
Garner	Parker	Thompson
Glover	Pearson	Turner
Haley	Peete	Wittmeier
Henley	Pitts (Perry)	White (Lamar)
Hughes	Powell	White (Perry)
John	Pratt	Williams (Barbour)
Jones	Price	Williams (Lee)

—57

Nays:

Mr. Cooper.

—1

MOTION TO RECONSIDER.

Mr. Tunstall called up his motion to reconsider the vote by which H. 46 was lost, and the motion to reconsider prevailed.

The vote by which the bill H. 46 was ordered to a third reading was reconsidered, and the bill,

H. 46. To regulate the introduction, consideration, engrossing, passing, enrolling and signing of bills and making the entries on the Journals required by the constitution, and to provide a competent examiner of the Journals and prescribe his duties and pay.

Was ordered placed on the calendar.

SPECIAL ORDER.

The House proceeded to the special order which was the bill,

H. 128. To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the impanelling of grand and petit juries in all the courts of this State .

On motion of Mr. Tunstall the House resolved itself into a committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE.

The Speaker of the House designated as chairman of the Whole House Mr. Arnold, Representative from Calhoun county.

On motion of Mr. John the committee rose and the chairman of the committee of the Whole House was directed to make a report for the committee:

Mr. Arnold, chairman of the committee of the Whole House, reported that the committee had considered and ordered the bill, H. 128, returned to the House favorably with an amendment. On motion of Mr. John the amendment reported by the committee of the Whole House was adopted, said amendment being as follows:

Amend section 11 by adding thereto the words: "If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or householder his name may be placed on the jury roll and in the jury box."

Amend section 13 of H. 128 as printed by inserting in line 7 on page 6 the words "or volunteer" after the word "paid" and by inserting the words "in active service" after the word "department."

Amend bill, section 13, by adding, as exempt druggists in towns having only one drug store.

Amend section 15 by inserting therein in line 6 after the word "week" and after each name is drawn it shall not be returned to the jury box and there shall be no selection of names.

Amend section 22 by inserting after the words "respectively" in line 5, the following words, "and after

each name is drawn it shall not be returned to the jury box and there shall be no selection of names."

Yeas, 59; nays, 5.

Yeas:

Messrs. Speaker	Garner	Pearson
Altman	Glover	Peete
Armstrong	Haley	Pitts (Dallas)
Arnold	Henley	Pitts (Perry)
Ballard (Autauga)	Hoffman	Powell
Ballard (Pike)	Jenkins	Pratt
Baltzell	John	Price
Benners	Jones	Rainer
Benson	Kirby	Rattray
Bloch	Lacy (Walker)	Rice
Bulger	Lawson	Rowe
Burney	Lee (Etowah)	Rushton
Carmichael	Malone	Sanford
Cooper	Mastin	Stollenwerck
Cranford	Mayfield	Tarrant
Crum	Mitchell	Turner
Cunningham	McCrory	Urquhart
Dudley	McCurdy	Wittmeier
Edwards	McDuffie	Williams (Barbour)
Fuller	McMillan	Williams (Lee)

—59

Nays:

Messrs.

Barton	Elrod	Smith (Elmore)
Cannon	Long (Butler)	

—5

And the bill,

H. 128. To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the impanelling of grand and petit juries in all the courts of this State.

As amended, was read a third time at length and passed.

Yeas, 51; nays, 23.

Yeas :

Messrs. Speaker	Henley	Peete
Altman	Hughes	Pitts (Dallas)
Arnold	John	Powell
Ballard (Autauga)	Jones	Price
Ballard (Pike)	Killen	Rainer
Benners	Kirby	Rattray
Bloch	Lacy (Dallas)	Rice
Bulger	Lacy (Walker)	Rowe
Burney	Lawson	Rushton
Carmichael	Lee (Barbour)	Sanford
Cooper	Malone	Seale
Cranford	Mastin	Stollenwerck
Crum	Mayfield	Tarrant
Cunningham	McCrary	Turner
Dudley	McCurdy	Urquhart
Garner	McMillan	Williams (Lee)
Haley	Pearson	Woolf

—51

Nays :**Messrs.**

Alford	Jenkins	Sample
Baltzell	Lee (Etowah)	Sanders
Barton	Lee (Houston)	Sherrod
Benson	Long (Butler)	Smith (Elmore)
Cannon	Middleton	Smith (Etowah)
Edwards	Mitchell	Wittmeier
Elrod	Moore	Williams (Barbour)
Fuller	McDuffie	

—23

RECESS.

The hour of one o'clock having arrived the House recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

INDEFINITELY POSTPONED.

On motion of Mr. Price, the bill H. 311 was indefinitely postponed.

BILL ON SECOND READING.

Mr. Urquhart, acting chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 366. To authorize the sale, lease or disposition of an electric light plant, gas plant, or waterworks plant owned by any city, town or municipal corporation in this State.

The above and foregoing bill was read a second time and placed on the calendar.

BILLS ON THIRD READING.

H. 360. To empower the city council of Birmingham, Birmingham, Alabama, to sell certain parts of 19th street, 17th street, 16th street, 15th street, alley G and Maiden Lane, in the city of Birmingham, Alabama, and direct the application of the proceeds derived therefrom.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Cooper	John
Alford	Cranford	Killen
Altman	Crum	King
Arnold	Cunningham	Kirby
Baltzell	Dudley	Lacy (Walker)
Barton	Elrod	Lawson
Benners	Fuller	Malone
Benson	Glover	Mayfield
Bloch	Haley	Mitchell
Bulger	Henley	Moore
Burney	Hoffman	McCrary
Cannon	Hughes	McDuffie
Carmichael	Jenkins	McMillan

Parker	Rice	Turner
Pearson	Rowe	Urquhart
Peete	Rushton	Vann
Pratt	Sample	White (Lamar)
Price	Sanders	White (Perry)
Pugh	Sanforu	Williams (Barbour)
Rainer	Seale	Williams (Lee)
Rattray	Sherrod	Woolf

—63

H. 336. To repeal section No. 3290 of the Code of Alabama.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Hoffman	Parker
Alford	Hughes	Peete
Altman	Jenkins	Pitts (Dallas)
Arnold	John	Pitts (Perry)
Arrington	Jones	Powell
Ballard (Autauga)	Killen	Pratt
Ballard (Pike)	King	Price
Benners	Kirby	Rainer
Benson	Lacy (Dallas)	Rattray
Bulger	Lacy (Walker)	Rice
Burney	Lawson	Rowe
Carmichael	Lee (Barbour)	Rushton
Cooper	Lee (Houston)	Sample
Cranford	Lindsey	Sanders
Crum	Long (Butler)	Seale
Doyle (Marengo)	Long (Morgan)	Smith (Elmore)
Edwards	Malone	Smith (Etowah)
Elrod	Mastin	Tarrant
Garner	Mayfield	Turner
Glover	Mitchell	Vann
Haley	Moore	Woolf

—63

H. 276. To vacate and annul certain streets and alleys in, through and between blocks 94, 95 and 96 of East Lake Land Company's survey of East Lake, Alabama.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	King	Price
Altman	Lacy (Walker)	Pugh
Arnold	Lawson	Rainer
Baltzell	Lee (Barbour)	Rice
Benners	Lee (Houston)	Rowe
Benson	Lindsey	Sample
Bulger	Long (Butler)	Sanders
Cannon	Long (Morgan)	Seale
Carmichael	Malone	Sherrod
Cooper	Mastin	Smith (Elmore)
Crum	Mayfield	Smith (Etowah)
Doyle (Clarke)	Mitchell	Smith (Lee)
Edwards	McCrary	Tarrant
Fuller	McCurdy	Tunstall
Garner	McDuffie	Turner
Glover	McMillan	Urquhart
Haley	Parker	Vann
Henley	Peete	White (Lamar)
Hughes	Pitts (Dallas)	White (Perry)
John	Powell	Williams (Barbour)
Jones	Pratt	Williams (Lee)

—63

H. 330. To prohibit the sale of adulterated seed for planting or sowing purposes in Henry county, Alabama.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Lacy (Walker)
Ballard (Autauga)	Doyle (Marengo)	Lawson
Ballard (Pike)	Dudley	Lee (Barbour)
Baltzell	Edwards	Lee (Etowah)
Benners	Elrod	Lee (Houston)
Benson	Garner	Lindsey
Bloch	Glover	Long (Butler)
Burney	Hoffman	Malone
Cannon	Hughes	Mayfield
Carmichael	John	Mitchell
Cranford	King	Moore
Crum	Kirby	McCrary
Cunningham	Lacy (Dallas)	McCurdy

McDuffie	Pratt	Tunstall
McMillan	Price	Vann
Parker	Pugh	Wittmeier
Pearson	Rainer	White (Lamar)
Peete	Rattray	White (Perry)
Pitts (Dallas)	Smith (Elmore)	Williams (Barbour)
Pitts (Perry)	Smith (Etowah)	Williams (Lee)
Powell	Stollenwerck	Woolf

—63

H. 331. To protect the traveling of the people upon the public roads of Henry county, Alabama.

Was read a third time at length, and passed.

Yeas, 63; nays, 1.

Yeas:

Messrs. Speaker	Lee (Barbour)	Rowe
Alford	Lee (Etowah)	Rushton
Altman	Lee (Houston)	Sample
Baltzell	Lindsey	Sanders
Burney	Long (Butler)	Sanford
Cannon	Malone	Seale
Carmichael	Mastin	Sherrod
Dudley	Mayfield	Smith (Elmore)
Edwards	McDuffie	Smith (Etowah)
Haley	McMillan	Smith (Lee)
Henley	Parker	Stollenwerck
Hoffman	Pearson	Tarrant
Hughes	Pitts (Dallas)	Tunstall
Jenkins	Pitts (Perry)	Turner
John	Powell	Urquhart
Jones	Pratt	Wittmeyer
Killen	Price	White (Lamar)
King	Pugh	White (Perry)
Kirby	Rainer	Williams (Barbour)
Lacy (Walker)	Rattray	Williams (Lee)
Lawson	Rice	Woolf

—63

Nays:

Mr. Vann.

—1

H. 338. To amend section 586 of the Code of 1907.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Killen	Pugh
Altman	King	Rainer
Arnold	Kirby	Rattray
Avery	Lacy (Dallas)	Rice
Baltzell	Lacy (Walker)	Rowe
Barton	Lawson	Rushton
Benners	Lee (Barbour)	Sample
Benson	Lee (Etowah)	Sanders
Burney	Lee (Houston)	Sanford
Cannon	Lindsey	Seale
Crum	Malone	Sherrod
Dudley	Mastin	Smith (Elmore)
Elrod	Moore	Smith (Etowah)
Fuller	McCrory	Smith (Lee)
Glover	McDuffie	Stollenwerck
Gunter	McMillan	Tarrant
Haley	Parker	Tunstall
Hughes	Peete	Turner
Jenkins	Pitts (Dallas)	Vann
John	Pitts (Perry)	Williams (Lee)
Jones	Pratt	Woolf

—63

H. 345. To authorize the tax collectors of the State to pay over funds collected by them under special, general or local laws which have been repealed or the levy declared null and void.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Burney	Glover
Alford	Coleman	Haley
Altman	Cooper	Henley
Arnold	Cranford	Hoffman
Ballard (Autauga)	Crum	Jenkins
Ballard (Pike)	Doyle (Clarke)	John
Baltzell	Doyle (Marengo)	Jones
Benners	Edwards	Killen
Benson	Fuller	King
Bulger	Garner	Kirby

Lacy (Dallas)	Pratt	Smith (Lee)
Lacy (Walker)	Price	Tarrant
Lawson	Pugh	Tunstall
Lee (Barbour)	Rainer	Turner
Lee (Etowah)	Ratray	Urquhart
Lee (Houston)	Rice	Vann
Lindsey	Rowe	Wittmeier
Long (Butler)	Sanford	White (Lamar)
Moore	Seale	Williams (Barbour)
McCurdy	Smith (Elmore)	Williams (Lee)
Powell	Smith (Etowah)	Woolf

—63

H. 346. To repeal an act entitled an act to require the county of Mobile to pay one-fourth of the annual cost of repairing, opening, widening, cleaning and maintaining the streets and draining of the city of Mobile, approved February 27th, 1901.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Lacy (Dallas)	Rushton
Alford	Lacy (Walker)	Sample
Altman	Lawson	Sanders
Benson	Lee (Etowah)	Sanford
Burney	Lindsey	Seale
Caunon	Long (Butler)	Sherrod
Crum	Mayfield	Smith (Elmore)
Dudley	Middleton	Smith (Etowah)
Edwards	Moore	Smith (Lee)
Elrod	McCrary	Stollenwerck
Fuller	McCurdy	Tarrant
Garner	McDuffie	Tunstall
Glover	McMillan	Turner
Haley	Parker	Urquhart
Henley	Peete	Vann
Hoffman	Pratt	Wittmeier
John	Price	White (Lamar)
Jones	Pugh	White (Perry)
Killen	Rainer	Williams (Barbour)
King	Rice	Williams (Lee)
Kirby	Rowe	Woolf

—63

H. 363. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Killen	Powell
Alford	King	Pratt
Altman	Kirby	Price
Armstrong	Lacy (Dallas)	Pugh
Arnold	Lacy (Walker)	Rainer
Burney	Lawson	Rattray
Cannon	Long (Butler)	Rice
Carmichael	Long (Morgan)	Rowe
Edwards	Mastin	Rushton
Elrod	Mayfield	Seale
Fuller	Moore	Smith (Elmore)
Garner	McCrary	Smith (Etowah)
Glover	McDuffie	Smith (Lee)
Haley	McMillan	Tunstall
Henley	Norville	Turner
Hoffman	Oliver	Vann
Hughes	Parker	White (Lamar)
Jenkins	Pearson	White (Perry)
John	Peete	Williams (Barbour)
Johnson	Pitts (Dallas)	Williams (Lee)
Jones	Pitts (Perry)	Woolf

—63

H. 349. To refund to municipal corporations of Alabama the tax paid by such corporations for recording mortgages and deeds of trust securing the bonds issued by such municipal corporation.

Was read a third time at length, and passed.

Yeas, 56; nays, 5.

Yeas:

Messrs. Speaker	Burney	Fuller
Altman	Carmichael	Haley
Baltzell	Cunningham	Hoffman
Barton	Doyle (Clarke)	Hughes
Benners	Dudley	John
Bloch	Edwards	Kirby

Lacy (Dallas)	Pearson	Sanford
Lacy (Walker)	Peete	Seale
Lawson	Pitts (Dallas)	Sherrod
Lee (Etowah)	Pitts (Perry)	Stollenwerck
Lee (Houston)	Powell	Tarrant
Lindsey	Pratt	Tunstall
Long (Butler)	Price	Urquhart
Malone	Pugh	Vann
Moore	Rainer	Wittmeier
McCrory	Ratray	Williams (Barbour)
McDuffie	Rice	Williams (Lee)
McMillan	Rowe	Woolf
Parker	Rushton	

—56

Nays:

Messrs.

Cannon	Killen	Sample
Cranford	Mitchell	

—5

H. 319. To repeal section 9 of "An act to establish the Walker county law and equity court," approved December 5th, 1900, as amended by section 2 of "An act (approved February 15, 1901) to amend sections eight, nine and twenty-six of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900."

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Garner	Lacy (Dallas)
Alford	Glover	Lacy (Walker)
Altman	Haley	Lawson
Burney	Henl�y	Lee (Barbour)
Cannon	Hoffman	Lee (Etowah)
Carmichael	Hughes	Lee (Houston)
Cooper	Jenkins	Lindsey
Cranford	John	Long (Butler)
Crum	Johnson	Malone
Dudley	Jones	Mastin
Edwards	Killen	Mayfield
Elrod	King	Middleton
Fuller	Kirby	Mitchell

Moore	Pitts (Dallas)	Rice
McCrory	Pitts (Perry)	Rowe
McCurdy	Powell	Rushton
McDuffie	Pratt	Sample
McMillan	Price	Sanders
Parker	Pugh	Seale
Pearson	Rainer	Sherrod
Peete	Rattray	Woolf

—63

H. 347. To amend section one of an act entitled an act to make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court or before the judges or grand juries of either of said courts.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Johnson	McMillan
Alford	Jones	Parker
Altman	Killen	Pearson
Burney	King	Peete
Cannon	Kirby	Pitts (Dallas)
Carmichael	Lacy (Dallas)	Pitts (Perry)
Cooper	Lacy (Walker)	Powell
Cranford	Lawson	Pratt
Crum	Lee (Barbour)	Price
Dudley	Lee (Etowah)	Pugh
Edwards	Lee (Houston)	Rainer
Elrod	Lindsey	Rattray
Fuller	Maner	Rice
Garner	Mastin	Rowe
Glover	Mayfield	Rushton
Haley	Middleton	Sample
Henley	Mitchell	Sanders
Hoffman	Moore	Sanford
Hughes	McCrory	Seale
Jenkins	McCurdy	Sherrod
John	McDuffie	Woolf

—63

H. 200. To provide a game and fish protective fund for each county in the State, and prescribe how the same shall be used.

Was read a third time at length, and lost.

Yeas, 35; nays, 39.

Yeas:

Messrs.

Alford	Lacy (Dallas)	Pitts (Dallas,
Arnoid	Lacy (Walker)	Rainer
Baltzell	Lawson	Rattray
Barton	Lee (Etowah)	Rice
Benners	Lee (Houston)	Sanford
Benson	Mastin	Sherrod
Bulger	Mitchell	Smith (Elmore)
Cannon	McCrory	Smith (Etowah)
Cranford	McDuffie	Stollenwerck
Edwards	Parker	Tunstall
Fuller	Pearson	White (Lamar)
Hughes	Peete	

—35

Nays:

Messrs. Speaker	Hoffman	Pratt
Altman	John	Price
Ballard (Autauga)	Killen	Pugh
Bloch	King	Rowe
Burney	Kirby	Rushton
Carmichael	Lindsey	Sample
Cooper	Long (Butler)	Tarrant
Crum	Malone	Urquhart
Cunningham	Moore	Vann
Doyle (Clarke)	McCurdy	Wittmeier
Doyle (Marengo)	McMillan	White (Perry)
Dudley	Pitts (Perry)	Williams (Lee)
Henley	Powell	Woolf

—39

H. 202. To create and establish the Marengo law and equity court for Marengo county.

Was read a third time at length, and passed.

Yeas, 61; nays, 2.

Yeas:

Messrs. Speaker	King	Rattray
Alford	Kirby	Rice
Altman	Lacy (Walker)	Rowe
Baltzell	Lawson	Rushton
Barton	Lindsey	Sample
Benners	Mastin	Sanders
Burney	Mayfield	Sanford
Carmichael	Moore	Seale
Crum	McCrary	Sherrod
Doyle (Clarke)	McCurdy	Tarrant
Dudley	McDuffie	Thompson
Edwards	McMillan	Tunstall
Glover	Parker	Turner
Haley	Pearson	Urquhart
Henley	Peete	Vann
Hoffman	Pitts (Dallas)	White (Lamar)
Hughes	Pratt	White (Perry)
Jenkins	Price	Williams (Barbour)
John	Pugh	Williams (Lee)
Jones	Rainer	Woolf
Killen		

—61

Nays:

Messrs.	
Cannon	Doyle (Marengo)

—2

H. 251. To require persons, firms or corporations operating a public cotton gin to post a schedule of charges for ginning, to prevent discrimination and provide a punishment for the same.

Was read a third time at length, and passed.

Yeas, 54; nays, 8.

Yeas:

Messrs. Speaker	Bloch	Dudley
Altman	Bulger	Edwards
Arnold	Burney	Fuller
Ballard (Autauga)	Carmichael	Garner
Ballard (Pike)	Cooper	Glover
Baltzell	Cranford	John
Benners	Crum	Johnson

Jones	McCurdy	Seale
Killen	McMillan	Sherrod
King	Parker	Stollenwerck
Lacy (Walker)	Pitts (Dallas)	Tunstall
Lawson	Powell	Urquhart
Lee (Etowah)	Price	Vann
Long (Morgan)	Pugh	Wittmeier
Mastin	Rainer	White (Perry)
Mayfield	Rowe	Williams (Barbour)
Moore	Rushton	Williams (Lee)
McCrory	Sanford	Woolf

—54

Nays:

Messrs.

Cannon	Mitchell	Sample
Cunningham	Peete	Sanders
Haley	Rice	

—8

On motion the above House bills were ordered sent forthwith to the Senate without engrossment.

S. 122. To absolve and discharge Houston county from any debt or liability to Henry county on account of a portion of the territory and inhabitants of Henry county having been heretofore cut off and put into Houston county.

Was read a third time at length, and lost.

Yeas, 38; nays, 35.

Yeas:

Messrs.

Alford	Lacy (Dallas)	Pugh
Baltzell	Lee (Etowah)	Rainer
Barton	Lee (Houston)	Ratray
Bloch	Lindsey	Rice
Bulger	Mastin	Sanford
Carmichael	Mayfield	Sherrod
Dudley	Middleton	Smith (Elmore)
Glover	McDuffie	Tunstall
Haley	McMillan	Urquhart
Hoffman	Parker	Wittmeier
Jenkins	Pitts (Dallas)	Williams (Barbour)
Killen	Pitts (Perry)	Woolf
King	Powell	

—38

Nays:

Messrs.

Messrs. Speaker	Hughes	Pratt
Altman	John	Rowe
Ballard (Autauga)	Jones	Rushton
Ballard (Pike)	Kirby	Sample
Benson	Lawson	Sanders
Burney	Malone	Seale
Cannon	Mitchell	Stollenwerck
Cooper	Moore	Tarrant
Cunningham	McCrory	Vann
Doyle (Marengo)	McCurdy	White (Perry)
Edwards	Pearson	Williams (Lee)
Fuller	Peete	

—35

PAIR ANNOUNCED.

Mr. Benners stated that he was paired with Mr. Lacy, of Walker. If he were present he would vote yea and Mr. Benners would vote nay.

S. 22. To appropriate the sum of \$30.00 for the year 1905, and the further sum of \$30.00, for the year 1907, and the further sum of \$30.00 for the year 1908, total \$90.00, to W. N. Clifton, of Randolph county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Dudley	Killen
Alford	Edwards	King
Altman	Elrod	Kirby
Arnold	Fuller	Lacy (Dallas)
Baltzell	Garner	Lacy (Walker)
Benners	Glover	Lawson
Benson	Haley	Long (Butler)
Bloch	Henley	Malone
Burney	Jenkins	Mastin
Cannon	John	Mayfield
Crum	Jones	Mitchell

Moore	Price	Seale
McCrary	Pugh	Sherrod
McCurdy	Rainer	Tarrant
McDuffie	Ratray	Turner
McMillan	Rice	Urquhart
Parker	Rowe	Vann
Pearson	Rushton	Wittmeier
Peete	Sample	White (Lamar)
Pitts (Dallas)	Sanders	Williams (Lee)
Pitts (Perry)	Sanford	Woolf

—63

S. 123. To repeal an act approved November 23, 1907, entitled an act to provide for a license tax of one dollar on each dog over the age of three months kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license.

Was read a third time at length, and passed. .

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Garner	Middleton
Alford	Glover	Mitchell
Arnold	Haley	Moore
Baltzell	Henley	McCrary
Barton	Hughes	McCurdy
Benners	Jenkins	McDuffie
Bloch	John	McMillan
Bulger	Jones	Parker
Burney	Killen	Pearson
Carmichael	King	Peete
Crum	Kirby	Pitts (Dallas)
Cunningham	Lee (Barbour)	Pitts (Perry)
Dudley	Lee (Etowah)	Price
Edwards	Lee (Houston)	Ratray
Elrod	Malone	Rice
Fuller	Mayfield	Rowe

Rushton	Sherrod	Tarrant
Sample	Smith (Elmore)	Tunstall
Sanders	Smith (Etowah)	Turner
Sanford	Smith (Lee)	Williams (Barbour)
Seale	Stollenwerck	Woolf

—63

S. 69. To amend sections 9, 14, 15, and 18 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon.

Was read a third time at length, and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Edwards	McCrory
Alford	Elrod	McCurdy
Altman	Fuller	McDuffie
Arnold	Garner	McMillan
Ballard (Autauga)	Glover	Parker
Ballard (Pike)	Haley	Pearson
Baltzell	Henley	Pitts (Dallas)
Benners	Hoffman	Pitts (Perry)
Benson	Hughes	Powell
Bloch	Jenkins	Rainer
Bulger	Johnson	Rattray
Burney	Lacy (Walker)	Rice
Cannon	Lawson	Sanders
Coleman	Lee (Barbour)	Seale
Cooper	Lee (Houston)	Tarrant
Cranford	Long (Butler)	Turner
Crum	Malone	Vann
Cunningham	Mastin	White (Lamar)
Doyle (Clarke)	Mayfield	Williams (Barbour)
Doyle (Marengo)	Mitchell	Williams (Lee)
Dudley	Moore	Woolf

—63

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 149. To appropriate an additional sum of twelve thousand dollars (\$12,000) for public printing and binding for the fiscal year ending September 30, 1909.

and to appropriate the additional sum of ten thousand dollars (\$10,000) for public printing and binding for fiscal year ending September 30, 1910.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the follownig bill :

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of any other city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred installments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

ERNEST LACY, Chairman.

The report of the committee was concurred in.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bills :

S. 72. To amend article 5 of chapter 141 of the Code, relating to printing and binding of the Alabama Reports.

S. 140. To repeal the local road laws applying to the county of Montgomery.

And sends same herewith to the House with notice and proof attached and herewith exhibited as follows :

A bill to be entitled an act to repeal the local road laws applying to the county of Montgomery.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An act relative to commissioners' courts of roads and revenue, for the counties of Montgomery and Lowndes," approved 6th February, 1843, an act entitled "An act to better enforce the working of public roads in the counties of Montgomery and Hale," approved February 23, 1883; and an act entitled "An act to amend an act entitled "An act to better enforce the working of public roads in the counties of Montgomery and Hale," approved February 26th, 1883, so far as relates to the county of Montgomery," approved February 12, 1885; be and the same are hereby repealed in so far as they relate to the county of Montgomery.

Section 2. That an act entitled "An act to provide a road law for the county of Montgomery and to enforce the same," approved February 11, 1887, and an act entitled "An act in relation to roads, bridges, county tools and overseers or roads in Montgomery county," approved Feb. 5, 1881; and section 2 of an act entitled "An act to regulate the duties and compensation of a board of revenue of Montgomery county," approved February 12, 1881; and all other local road laws applying to the county of Montgomery be and the same are hereby repealed.

State of Alabama, }
Montgomery County. }

Before me, J. T. Letcher, a notary public in and for said county in said State, personally appeared F. P. Glass, who being by me first duly sworn, deposes and says that he is the manager of the Montgomery Advertiser, a newspaper published in the city and county of Montgomery, State of Alabama, that the following notice, to wit:

NOTICE.

"Notice is hereby given that application will be made to the Legislature of Alabama during its extraordinary session 1909, for the passage of a law or laws repealing the local road laws applying to Montgomery county, Alabama."

Was published once a week for four consecutive weeks in said newspaper before the making of this affidavit, without cost to the State.

F. P. GLASS.

Sworn to and subscribed before me this the 12th day of August, 1909.

J. T. LETCHER.

Notary Public, Montgomery County, Ala.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 72.

Local Legislation, S. 140.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bills your signature is requested:

S. 8. To legalize and confirm all appropriations heretofore made by the commissioners court of Etowah county to aid in the erection of what is known as the Emma Sansom monument at Gadsden, Alabama; to aid in the erection of the building for the State high school for Etowah county at Attalla, Alabama; and to aid in the relief of those injured in the cyclone at Albertville, Alabama, at the time that city was wrecked by cyclone.

S. 24. To confer upon and vest in the board of revenue of Jefferson county, Alabama, exclusively, all the rights, jurisdiction, duties and powers, vested in the Jefferson county sanitary commission.

J. A. KYLE, Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dis-

pensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in

H. J. R. 1. Relative to a joint meeting of the Rules committee of each House,

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bill and ordered the same sent forthwith to the House without engrossment:

S. 129. To relieve banking institutions conducted by individuals or firms or corporations organized under the laws of this State, from the payment of any municipal license tax.

And sends same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Ways and Means, S. 129.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 30. To prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for violations of the terms of this act under affidavit and warrant or information and without indictment.

H. 154. To amend an act to provide for the better construction, repairing working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907.

H. 169. To amend section 3484 of the Code of Alabama.

H. 207. To amend section 929 of the Code of 1907.

H. 149. To appropriate an additional sum of twelve thousand dollars (\$12,000) for public printing and binding for the fiscal year ending September 30, 1909, and to appropriate the additional sum of ten thousand dollars (\$10,000) for public printing and binding for fiscal year ending September 30, 1910.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

CHIEF EXECUTIVE DEPARTMENT, ALABAMA.
MONTGOMERY, Aug. 17, 1909.

To the House of Representatives:

I am directed by the Governor to transmit to you the following message in writing:

JOHN D. McNEEL, Private Secretary.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I herewith return to you House bill 281, and suggest the following amendments:

Amend section 6 of the bill by adding after the word "dollars" in line 20 of said section the words "per annum."

Amend section 34 of the bill by striking out the last clause thereof which is in the following words: "Provided the present county court organized under the general laws and regulated by divers local acts of the Legislature of Alabama be, and the same hereby is, abolished."

B. B. COMER, Governor.

On motion of Mr. Pearson the House concurred in and adopted the amendment proposed by the Governor to the bill H. 281, said amendment being as follows:

Amend section 6 of the bill by adding after the word "dollars" in line 20 of said section the words "per annum."

Amend section 24 of the bill by striking out the last clause thereof which is in the following words: "Provided the present county courts organized under the general laws and regulated by divers local acts of the Legislature of Alabama be, and the same is hereby, abolished."

Yeas, 67; nays, 0.

Yeas:

Messrs. Speaker	Barton	Cannon
Altman	Benners	Carmichael
Arnold	Benson	Cooper
Ballard (Antauga)	Bloch	Crum
Ballard (Pike)	Burney	Cunningham

Doyle (Clarke)	Mitchell	Sanders
Doyle (Marengo)	Moore	Seale
Edwards	McCurdy	Sherrod
Fuller	McDuffie	Smith (Elmore)
Garner	McMillan	Smith (Etowah)
Glover	Parker	Smith (Lee)
Haley	Pearson	Stollenwerck
Hoffman	Peete	Tarrant
Hughes	Pitts (Dallas)	Tunstall
Jenkins	Powell	Turner
John	Pratt	Urquhart
Jones	Pugh	Wittmeier
Killen	Rainer	White (Lamar)
Kirby	Rice	White (Perry)
Lawson	Rowe	Williams (Barbour)
Lee (Houston)	Rushton	Williams (Lee)
Mastin	Sample	Wolf
Mayfield		

—67

RECESS.

The hour of six o'clock having arrived the House recessed until 8 p. m.

NIGHT SESSION.

The hour having arrived the House reconvened.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Sherrod.

H. R. 73. Resolved, That before each bill is put to the third reading, the author of such bill, or some one else shall explain the bill to the House and no vote shall be taken on any bill until the same shall have been explained to the House.

And the resolution was adopted.

By Mr. Williams, of Barbour.

H. R. 74. Be it resolved by the House, That unless ice water be furnished the members, night sessions be immediately and permanently discontinued.

And the resolution was referred to the committee on Rules.

BILLS ON THIRD READING.

H. 4. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523, and 7006 of the Code of Alabama, 1907, and to repeal section 1514 of the Code of Alabama, 1907.

Was read a third time at length, and passed.

Yeas, 67; nays, 1.

Yeas:

Messrs. Speaker	Haley	Pearson
Altman	Henley	Peete
Armstrong	Hughes	Pitts (Dallas)
Arnold	John	Pitts (Perry)
Ballard (Autauga)	Johnson	Powell
Ballard (Pike)	Jones	Pratt
Baltzell	King	Price
Barton	Kirby	Rainer
Benness	Lacy (Walker)	Rice
Benson	Lawson	Rowe
Bloch	Lee (Barbour)	Rushton
Brown	Lee (Etowah)	Sanders
Burney	Lee (Houston)	Sherrod
Cannon	Long (Morgan)	Smith (Lee)
Carmichael	Mayfield	Stollenwerck
Cooper	Middleton	Tarrant
Cranford	Mitchell	Tunstall
Crum	Moore	Urquhart
Cunningham	McCrory	Wittmeier
Doyle (Clarke)	McCurdy	White (Lamar)
Doyle (Marengo)	McMillan	Williams (Barbour)
Garner	Parker	Woolf
Glover		

—67

Nays:

Mr. Elrod.

—1

H. 206. To amend section 985 of the Code of 1907.

Was read a third time at length, and passed.

Yeas, 60; nays, 4.

Yeas:

Messrs. Speaker	Haley	Peete
Alford	Henley	Pitts (Dallas)
Altman	Hoffman	Pitts (Perry)
Arnold	Hughes	Powell
Ballard (Antauga)	Johnson	Price
Ballard (Pike)	Jones	Pugh
Ba. ton	King	Rainer
Benners	Kirby	Rice
Benson	Lacy (Dallas)	Rowe
Bloch	Lacy (Walker)	Rushton
Burney	Lawson	Sanders
Carmichael	Lee (Etowah)	Sauford
Cooper	Lee (Houston)	Sherrod
Crum	Long (Morgan)	Smith (Lee)
Cunningham	Mayfield	Tarrant
Doyle (Clarke)	Moore	Tunstall
Edwards	McCrary	Urquhart
Elrod	McMillan	Williams (Barbour)
Garner	Parker	Williams (Lee)
Glover	Pearson	Woolf

—60

Nays:

Messrs.

Cannon	McCurdy	White (Lamar)
Mitchell		

—4

H. 225. To amend section 4764 of the Code of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

Amendment to H. 225 submitted by committee on Revision of Laws:

Amend bill by striking out the words, "In all other cases," where it appears.

And the amendment was adopted.

Yeas, 64; nays, 3.

Yeas:

Messrs. Speaker	Haley	Pitts (Perry)
Alford	Henley	Powell
Altman	Hughes	Pugh
Arnold	John	Rainer
Avery	Johnson	Rice
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	King	Rushton
Barton	Lacy (Walker)	Sanders
Benmers	Lawson	Sanford
Bloch	Lee (Barbour)	Sherrod
Burney	Lee (Etowah)	Smith (Elmore)
Cannon	Lindsey	Smith (Lee)
Carmichael	Long (Morgan)	Stollenwerck
Cooper	Mayfield	Tarrant
Crum	Mitchell	Tunstall
Cunningham	Moore	Urquhart
Doyle (Clarke)	McCurdy	White (Lamar)
Edwards	McMillan	White (Perry)
Elrod	Pearson	Williams (Barbour)
Fuller	Peete	Williams (Lee)
Garner	Pitts (Dallas)	Woolf
Glover		

—64

Nays:

Benson	Hoffman	Parker
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—3

And the bill,

H. 225. To amend section 4764 of the Code of Alabama.

As amended, was read a third time at length, and passed.

Yeas, 67; nays, 3.

Yeas:

Messrs. Speaker	Barton	Cooper
Alford	Benmers	Cunningham
Altman	Benson	Doyle (Clarke)
Arnold	Bloch	Doyle (Marengo)
Avery	Burney	Edwards
Ballard (Autauga)	Cannon	Elrod
Ballard (Pike)	Carmichael	Fuller

Garner	Mitchell	Sample
Glover	Moore	Sanders
Haley	McCurdy	Sauford
Henley	McMillan	Sherrod
Hughes	Pearson	Smith (Elmore)
John	Peete	Smith (Lee)
Johnson	Pitts (Dallas)	Stollenwerck
Jones	Pitts (Perry)	Tarrant
Killen	Powell	Tunstall
King	Price	Urquhart
Lawson	Pugh	White (Lamar)
Lee (Barbour)	Rainer	White (Perry)
Lee (Houston)	Rice	Williams (Barbour)
Lindsey	Rowe	Williams (Lee)
Long (Morgan)	Rushton	Wolf
Mayfield		

—67

Nays:

Hoffman	Lacy (Walker)	Parker
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—3

H. 275. To amend sections 3647 and 3648 of the Code of 1907.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Elrod	Mayfield
Alford	Fuller	Mitchell
Altman	Garner	Moore
Arnold	Glover	McCurdy
Avery	Henley	McMillan
Ballard (Autauga)	Hughes	Parker
Ballard (Pike)	John	Pearson
Benners	Johnson	Peete
Benson	Jones	Pitts (Dallas)
Bloch	King	Pitts (Perry)
Burney	Lacy (Walker)	Powell
Carmichael	Lawson	Price
Cranford	Lee (Barbour)	Pugh
Cunningham	Lee (Etowah)	Rainer
Doyle (Clark)	Lee (Houston)	Rice
Edwards	Lindsey	Rowe

Rushton	Smith (Etowah)	White (Lamar)
Sample	Smith (Lee)	White (Perry)
Sanders	Stollenwerck	Williams (Barbour)
Sanford	Tarrant	Williams (Lee)
Sherrod	Tunstall	Woolf
Smith (Elmore)		

—64

Nays:
Mr. Cannon.

—1

H. 164. To amend section 6964, chapter 224, of the Code of Alabama, 1907.

Was taken up. On motion of Mr. Sherrod the bill, H. 164, was laid upon the table.

H. 263. To regulate the writing of fire insurance, and to prohibit the furnishing of information concerning same to those not authorized by law to receive such information, and to provide penalties for violations of the provisions of this act.

Was read a third time at length, and passed.

Yeas, 54; nays, 10.

Yeas:

Messrs. Speaker	Gunter	Pitts (Perry)
Alford	Haley	Powell
Altman	Henley	Price
Arnold	Hughes	Rainer
Avery	John	Rice
Ballard (Aufauga)	Johnson	Rowe
Ballard (Pike)	Jones	Rushton
Benners	Lacy (Dallas)	Sanders
Benson	Lacy (Walker)	Sanford
Burney	Lee (Barbour)	Sherrod
Carmichael	Lee (Houston)	Smith (Lee)
Cooper	Lindsey	Tarrant
Cranford	Long (Morgan)	Turner
Cunningham	Mitchell	Urquhart
Doyle (Clarke)	Moore	White (Lamar)
Fuller	McMillan	Williams (Barbour)
Garner	Parker	Williams (Lee)
Glover	Peete	Woolf

—54

Nays:

Messrs.

Bloch	Lee (Etowah)	Pugh
Cannon	Mayfield	Smith (Elmore)
Elrod	Pitts (Dallas)	Stollenwerck
King		

—10

H. 255. To amend section 4032 of the Code of Alabama of 1907.

Was read a third time at length, and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs. Speaker	Johnson	Price
Alford	Jones	Pugh
Arnold	King	Rainer
Avery	Lacy (Walker)	Rice
Ballard (Autauga)	Lawson	Rowe
Ballard (Pike)	Lee (Barbour)	Rushton
Benners	Lee (Etowah)	Sample
Bloch	Lee (Houston)	Sanders
Brown	Lindsey	Sanford
Burney	Long (Morgan)	Sherrod
Calhoun	Mayfield	Smith (Elmore)
Carmichael	Middleton	Smith (Etowah)
Cooper	Mitchell	Smith (Lee)
Cranford	Moore	Stollenwerck
Doyle (Clarke)	McCurdy	Tarrant
Elrod	McDuffie	Tunstall
Fuller	McMillan	Turner
Garner	Parker	White (Lamar)
Gunter	Pearson	White (Perry)
Haley	Pitts (Dallas)	Williams (Barbour)
Henley	Pitts (Perry)	Williams (Lee)
Hughes	Powell	Woelf
John		

—67

H. 232. To stipulate how the service of process may be effected upon certain unincorporated organizations or associations.

Was read a third time at length, and passed.

Yeas, 66; nays, 0.

Yeas :

Messrs. Speaker	Haley	Pitts (Dallas)
Arnold	Henley	Pitts (Perry)
Altman	John	Powell
Arnold	Johason	Price
Avery	Jones	Pugh
Ballard (Antanga)	Killen	Rainer
Ballard (Pike)	King	Rice
Benners	Lacy (Walker)	Rowe
Bloch	Lawson	Rushton
Burney	Lee (Barbour)	Sample
Cannon	Lee (Houston)	Sanders
Carmichael	Lindsey	Sanford
Cooper	Long (Morgan)	Sherrod
Cranford	Mayfield	Smith (Elmore)
Crum	Mitchell	Smith (Lee)
Cunningham	Moore	Stollerwerck
Doyle (Clarke)	McCurdy	Tarrant
Elrod	McDuffie	Tunstall
Fuller	McMillan	White (Lamar)
Garner	Parker	White (Perry)
Glover	Pearson	Williams (Barbour)
Gunter	Peete	Woolf

—60

H. 359. To amend section 373 of the Code of Alabama 1907.

Was read a third time at length, and passed.

Yeas, 66; nays, 0.

Yeas :

Messrs. Speaker	Cranford	Hughes
Alford	Crum	John
Arnold	Cunningham	Johnson
Avery	Doyle (Clarke)	Jones
Ballard (Antanga)	Edwards	King
Ballard (Pike)	Elrod	Lacy (Walker)
Benners	Fuller	Lawson
Bloch	Garner	Lee (Barbour)
Burney	Glover	Lee (Houston)
Cannon	Gunter	Lindsey
Carmichael	Haley	Long (Morgan)
Cooper	Henley	Mayfield

Mitchell	Pugh	Smith (Lee)
Moore	Rainer	Stollenwerck
McDuffie	Rice	Tarrant
McMillan	Rowe	Tunstall
Parker	Rushton	Turner
Peete	Sample	White (Lamar)
Pitts (Dallas)	Sanders	White (Perry)
Pitts (Perry)	Sanford	Williams (Barbour)
Powell	Sherrod	Williams (Lee)
Price	Smith (Elmore)	Woolf

—66

H. 41. To authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds.

Was read a third time at length, and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs. Speaker	Glover	Moore
Alford	Gunter	McCurdy
Arnold	Haley	McDuffie
Avery	Henley	McMillan
Ballard (Autauga)	Hughes	Parker
Ballard (Pike)	John	Pearson
Benners	Johnson	Pitts (Dallas)
Bloch	Jones	Powell
Burney	King	Pratt
Cannon	Lacy (Walker)	Price
Carmichael	Lawson	Pugh
Cooper	Lee (Barbour)	Rainer
Cranford	Lee (Etowah)	Rice
Cunningham	Lee (Houston)	Rowe
Doyle (Clarke)	Lindsey	Rushton
Elrod	Long (Morgan)	Sample
Fuller	Mayfield	Sanders
Garner	Mitchell	Sanford

Seale	Tarrant	White (Perry)
Sherrod	Tunstall	Williams (Barbour)
Smith (Elmore)	Turner	Williams (Lee)
Smith (Lee)	Urquhart	Woolf
Stollenwerck	White (Lamar)	

—68

H. 93. To regulate his pendens.

Was read a third time at length, and passed.

Yeas, 66; nays, 2.

Yeas:

Messrs. Speaker	Hughes	Price
Alford	John	Pugh
Altman	Johnson	Rainer
Arnold	Jones	Rice
Avery	King	Rowe
Ballard (Autauga)	Lacy (Walker)	Rushton
Ballard (Pike)	Lawson	Sample
Benners	Williams (Barbour)	Sanders
Bloch	Lee (Etowah)	Sanford
Brown	Lindsey	Seale
Burney	Long (Morgan)	Sherrod
Carmichael	Mayfield	Smith (Elmore)
Cranford	Mitchell	Smith (Lee)
Crum	Moore	Stollenwerck
Doyle (Clarke)	McCurdy	Tarrant
Elrod	McDuffie	Tunstall
Fuller	McMillan	Turner
Garner	Parker	Urquhart
Glover	Peete	White (Lamar)
Gunter	Pitts (Dallas)	Williams (Barbour)
Haley	Pitts (Perry)	Williams (Lee)
Henley	Powell	Woolf

—66

Nays:

Messrs.

Cannon

Cunningham

—2

H. 99. To amend section 1293 of the Code of Alabama.

Was read a third time at length, and passed.

Yeas, 40; nays, 16.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Mayfield
Alford	Fuller	McMillan
Altman	Garner	Pearson
Arnold	Gunter	Rowe
Avery	Haley	Rushton
Ballard (Autauga)	Henley	Sanford
Ballard (Pike)	Hughes	Seale
Benners	John	Smith (Lee)
Benson	Jones	Stollenwerck
Burney	King	Tarrant
Carmichael	Lacy (Walker)	Tunstall
Cooper	Lee (Barbour)	Urquhart
Cranford	Lindsey	Woolf
Cunningham		

—40

Nays:**Messrs.**

Bloch	Lee (Etowah)	Powell
Cannon	Moore	Rainer
Elrod	McCurdy	Sherrod
Glover	McDuffie	White (Lamar)
Johnson	Pitts (Dallas)	Williams (Lee)
Killen		

—16

H. 247. To amend an act entitled an act to amend section 5993 of the Code of Alabama. Approved November 23rd, 1907.

Was read a third time at length, and passed.

Yeas, 44; nays, 11.

Yeas:

Messrs. Speaker	Doyle (Clarke)	King
Altman	Fuller	Lacy (Walker)
Arnold	Garner	Lee (Etowah)
Ballard (Autauga)	Glover	Mayfield
Ballard (Pike)	Gunter	McDuffie
Benners	Haley	McMillan
Bloch	Henley	Pearson
Burney	Hughes	Pitts (Dallas)
Cranford	John	Pitts (Perry)
Cunningham	Jones	Powell

Rowe	Sherrod	Urquhart
Rushton	Smith (Lee)	Williams (Barbour)
Sample	Stollenwerck	Williams (Lee)
Sanford	Tarrant	Woolf
Seale	Tunstall	

—44

Nays:

Messrs.

Avery	Johnson	Moore
Cannón	Killen	McCurdy
Carmichael	Lawson	White (Lamar)
Elrod	Mitchell	

—11

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment:

S. 144. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the coming special session for the passage of an act providing for the election of a county solicitor for Monroe county, defining his duties and fixing his compensation.

State of Alabama, }
 Monroe County. }

Before me, I. B. Slaughter, judge of probate in and for Monroe county, Alabama, personally appeared Q. Salter who, being by me first duly sworn, says that the following notice, towit:

"NOTICE.

"Notice is hereby given that application will be made to the Legislature of Alabama at the coming special session for the passage of an act providing for the election of a county solicitor for Monroe county, defining his duties and fixing his compensation."

Appeared for four consecutive weeks in the Monroe Journal, a weekly newspaper published in said Monroe county, Alabama, on towit: July 22nd, 1909, July 29th, 1909, August 5th, 1909 and August 12th, 1909.

Q. SALTER, Pub. Journal.

Sworn to and subscribed before me this the 12th day of Aug., 1909.

I. B. SLAUGHTER,
Judge of Probate.

Also,

S. 127. For the incorporation of mutual co-operative societies or associations for farming and trucking purposes, and for the exemption of the same from all corporate taxation and licenses.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 144.

Corporations, S. 127.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the Governor to House bill 281.

H. 281. To establish a county court for the county of Shelby.

By a majority vote of the whole number elected to the Senate.

The vote on said amendment as proposed by the Governor being as follows:

Yeas, 22; nays, 0.

And returns same herewith to the House.

J. A. KYLE, Secretary.

On motion all House bills passed tonight were ordered sent forthwith to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Pitts, of Dallas, the House adjourned until 9:30 o'clock tomorrow morning.

SEVENTEENTH DAY.

House of Representatives.

MONTGOMERY, Ala., Wednesday, Aug. 18, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Avery of the House.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs. Speaker	Ballard (Pike)	Burney
Alford	Baltzell	Cannon
Altman	Barton	Carmichael
Armstrong	Benners	Cooper
Arnold	Bloch	Cranford
Avery	Brown	Crum
Ballard (Autauga)	Bulger	Cunningham

Doyle (Clarke)	Lee (Houston)	Rattray
Doyle (Marengo)	Lindsey	Rice
Dudley	Long (Butler)	Rowe
Edwards	Long (Morgan)	Rushton
Elrod	Lyons	Sample
Fuller	Malone	Sanders
Garner	Maner	Sanford
Glover	Mastin	Seale
Gunter	Mayfield	Sherrod
Haley	Middleton	Smith (Elmore)
Henley	Mitchell	Smith (Etowah)
Hoffman	Moore	Smith (Lee)
Hughes	McCrary	Stollenwerck
Jenkins	McCurdy	Tarrant
John	McDuffie	Thompson
Johnson	McMillan	Tunstall
Jones	Norville	Turner
Killen	Parker	Urquhart
King	Pearson	Vann
Kirby	Peete	Wittmeier
Lacy (Dallas)	Pitts (Perry)	White (Lamar)
Lacy (Walker)	Powell	White (Perry)
Lancaster	Pratt	Williams (Barbour)
Lawson	Price	Williams (Lee)
Lee (Barbour)	Pugh	Woolf
Lee (Etowah)	Rainer	

—98.

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to make the following report:

We have examined the Journal for the sixteenth day and find the same to be correct.

R. C. Smith, Chairman.

The report of the committee was concurred in and the the Journal for the sixteenth day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Benson indefinitely and to Mr. Pitts of Dallas for today.

REPORT OF RULES COMMITTEE.

Mr. John, from the standing committee on Rules, returned to the House the following resolution with a favorable report:

Rules Committee.

H. R. 75. Resolved, That the House for today remain in session until 10 o'clock p. m., that recesses be held from 1 till 3 o'clock p. m., and from 6 o'clock till 8 o'clock, that at 3 o'clock p. m., the call of committees be had for the passage of local bills, the call not to continue longer than 30 minutes, that special order calendar No. 2, prepared by the committee on rules be considered at the night session, that H. 6 be made a continuing paramount special order after the call of standing committees and that after its disposition, special order calendar No. 1, prepared by the committees on Rules be taken up.

And the Resolution was adopted.

BILLS ON SECOND READING.

Mr. Arnold, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 370. To amend section 305 of the Code of Alabama.

S. 99. To provide compensation for probate judges for services performed under and required by sections 319 and 365 of the Code of Alabama.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted upon the following bill and ordered same returned to the House with a favorable report.

H. 371. To amend section 7083 of the Code of Alabama of 1907.

Mr. Haley, acting chairman of the standing committee on Corporations, reported that said committee in session had acted upon the following bill and ordered same returned to the House with favorable report.

S. 127. For the incorporation of mutual co-operative societies or associations for farming and trucking purposes, and for the exemption of the same from all corporate taxation and licenses.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted upon the following bill and ordered same returned to the House with a favorable report.

H. 377. To confirm and validate the issuance of bonds when an election has been held and to authorize the sale of the same.

Mr. Rushton, acting chairman of the standing committee on Revision of Laws, reported that said committee in session had acted upon the following bills and ordered same returned to the House with a favorable report:

S. 144. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

H. 376. For the relief of J. H. Hollis, J. B. Ford and B. K. Smith, confederate veterans of Choctaw county.

S. 72. To amend article 5 of chapter 141 of the Code, relating to printing and binding of the Alabama Reports.

Mr. Long, of Butler, chairman of the standing committee on Commerce and Common Carriers reported that said committee in session had acted upon the following bill and ordered same returned to the House with a favorable report:

S. 73. To regulate sales of stocks of merchandise in bulk, or portions thereof otherwise than in the ordinary course of trade.

Mr. Vann, acting chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 332. To prevent damage and the spread of hydrophobia by mad dogs in Henry county, Alabama.

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away or other disposition.

The above and foregoing bills were severally read a second time, and placed on the calendar.

INTRODUCTION OF BILL.

On a call of the counties, a bill was introduced, read one time, and referred to an appropriate standing committee, as follows:

By Mr. Stollenwerck. (By request.) (With notice and proof.)

H. 378. To amend an act to allow justices of the peace of beats 1, 2, 3, 4, 5 and 6 of the county of Montgomery to hold their courts and offices in either of said beats, and to have and exercise jurisdiction in either. To read as follows:

Judiciary

Notice and proof H. 378:

Notice is hereby given that a bill will be introduced at the special session of the Legislature of Alabama of 1909 to amend an act entitled "An act to allow justices of the peace of beats 1, 2, 3, 4, 5 and 6 of the county of Montgomery to hold their courts and offices in either of said beats, and to have and exercise jurisdiction in either.

"Section 1. Be it enacted by the General Assembly of Alabama, That justices of the peace of beats 1, 2, 3, 4, 5 and 6 of the county of Montgomery shall be allowed to hold their offices and courts in either of said beats, and shall have and exercise their jurisdiction in either and all of said beats.

"Approved February 3, 1899," so as to read as follows:

"An act to allow justices of the peace of beats 1, 2, 3, 4, 5, 6 and 7 of the county of Montgomery to hold their courts and offices in either of said beats, and to have and exercise jurisdiction in either.

"Section 1. Be it enacted by the Legislature of Alabama, That justices of the peace of beats 1, 2, 3, 4, 5, 6 and 7 of the county of Montgomery shall be allowed to hold their offices and courts in either of said beats, and shall have and exercise their jurisdiction in either and all of said beats."

State of Alabama, }
Montgomery County. }

Before me, Jno. B. Fuller, clerk of circuit court, personally appeared Ben DeLemos, who, being duly sworn doth depose and say: That in the Alabama Outlook, a newspaper published weekly in the city of Montgomery, State of Alabama, the notice hereto attached was published for four (4) consecutive weeks in accordance with Sec. 106 of the Constitution of Alabama.

Subscribed and sworn to before me this 18th day of August 1909.

BEN DELEMONS, Pub. Ala. Outlook.
JNO. B. FULLER, Clerk Circuit Court.

BILLS REPORTED ADVERSELY.

Mr. Lee of Etowah, chairman of the standing committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report.

H. 375. To define the scope of a diploma issued by the medical department of the University of Alabama.
Mr. Speaker:

MESSAGE FROM THE SENATE.

The Senate has passed the following House bills :

H. 203. To amend section 16 of an act entitled "An act to provide for the organization, incorporation, gov-

ernment and regulation of cities and towns, and to define the rights, powers, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the municipal code bill.

And has amended as therein shown, and as amended has passed.

H. 279. To amend section 1867 of the Code of Alabama of 1907.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Kirby the House concurred in the Senate amendment to the bill, H. 279, said Senate amendment being as follows:

Amend said Bill by striking out the words "five dollars" where they occur together in said bill and inserting in lieu thereof the words "two and one-half dollars."

Yeas, 55; nays, 0.

Yeas:

Messrs. Speaker	Gunter	Pitts (Perry)
Altman	Haley	Powell
Armstrong	John	Watt
Arnold	Johnson	Price
Arrington	Jones	Pugh
Avery	Killen	Rattray
Ballard (Autauga)	King	Rice
Ballard (Pike)	Kirby	Rushton
Barton	Lacy (Walker)	Sample
Benners	Lawson	Sanders
Bulger	Long (Butler)	Sanford
Burney	Malone	Sherrod
Cooper	Mayfield	Smith (Elmore)
Cranford	Moore	Stollenwerck
Crum	McCrory	Tunstall
Cunningham	McMillan	Turner
Doyle (Clarke)	Norville	Wittmeier
Doyle (Marengo)	Parker	White (Lamar)
Garner		

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Kirby called up his motion to take S. 137, from the adverse calendar. The motion prevailed and the Bill.

S. 137. To amend section 3860 of the Code of Alabama.

Was read a second time and placed on the Calendar.

H. 358. To amend sections 2120, 2122, 2156, 2174, 2175 and 2158 of the Code of Alabama.

Was read a third time, at length and passed.

Yeas, 51; nays, 23.

Yeas:

Messrs. Speaker	Edwards	McMillan
Altman	Fuller	Pearson
Armstrong	Garner	Pitts (Perry)
Arnold	Glover	Price
Arrington	Gunter	Rainer
Ballard (Autauga)	Haley	Ratray
Ballard (Pike)	Henley	Rice
Barton	John	Rowe
Benners	Jones	Sample
Bulger	Killen	Sherrod
Burney	King	Smith (Lee)
Carmichael	Lawson	Stollenwerck
Cranford	Long (Butler)	Tarrant
Crum	Mastin	Urquhart
Cunningham	Mayfield	Williams (Barbour)
Doyle (Clarke)	Mitchell	Woolf
Doyle (Marengo)	McCrory	

—51.

Nays:

Messrs.

Avery	Lacy (Walker)	Rushton
Baltzell	Lee (Etowah)	Sanders
Cannon	Moore	Sanford
Cooper	McCurdy	Smith (Etowah)
Elrod	Parker	Tunstall
Hoffman	Powell	White (Lamar)
Johnson	Pratt	Williams (Lee)
Lacy (Dallas)	Pugh	

—23.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs to report that it has examined and found correctly engrossed the following bill:

H. 128. To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the impanelling of grand and petit juries in all the courts of this State.

ERNEST LACY, Chairman.

And the report of the committee was concurred in.

SPECIAL ORDER.

The hour having arrived the House proceeded to the consideration of the special order which was the bill,

H. 6. To authorize the larger cities of the State to adopt the commission form of government and to provide a system for such government.

Mr. John offered a substitute to the bill H. 6.

On motion of Mr. John the House resolved itself into a committee of the Whole, for the consideration of the Bill H. 6 and substitute, section by section.

COMMITTEE OF THE WHOLE HOUSE.

The Speaker of the House designated as chairman of the Whole House Mr. Haley, Representative from Jefferson county.

The Speaker assumed the chair; Mr. Urquhart raised the point of order that the hour of one o'clock having arrived, under the rules the House recessed. The point of order was sustained and the House

RECESSED.

Until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. G. H. Thigpen, of Talladega county for this afternoon.

The following resolution was introduced:

Mr. Hoffman introduced the following resolution:

By. Mr. Hoffman.

H. R. 76. Whereas, the Legislature of Alabama is restless and having fully performed the duties set out for them in the proclamation of his Excellency the Governor, except the submission to the people of the State the question of bi-ennial sessions of the Legislature, and

Whereas the cost of a session of the Legislature amounts to approximately twelve hundred dollars a day, all of the clerks and members drawing four dollars each day during Sundays and also days during which there is nothing doing, whether the Legislature be in session or not, and

Whereas, There is no apparent reason for a prolongation of this session of the Legislature beyond a period within which the actual and real business before it can be disposed of, and such business can be disposed of speedily and to the interest of the people of the whole State, within the time herein prescribed and inasmuch as an adjournment over into the next week will cost the State nearly five thousand dollars for members pay and clerks expenses, and

Whereas few of the members of this Legislature were elected to do "time" at four dollars per day, Sunday included, although they have successfully overworked their "time," and if elected for that purpose having accomplished the desire of their constituents, **Therefore**

Be it resolved, that the House of Representatives, the Senate of Alabama concurring, that the special session of the Legislature convened at the capitol on July 27th, 1909, adjourn sine die, at twelve o'clock midnight, Saturday, August twenty-first, A. D. 1909.

BILLS ON THIRD READING.

H. 365. To provide for assistance in the office of county treasurers and to fix compensation therefor.

Was read a third time, at length and passed.

Yeas, 41; nays, 19.

Yeas:

Messrs. Speaker	Crum	Parker
Alford	Doyle (Clarke)	Pearson
Altman	Doyle (Marengo)	Pitts (Perry)
Arrington	Elrod	Pratt
Avery	Garner	Price
Ballard (Autauga)	Glover	Rattray
Bartzell	Gunter	Rice
Barton	Haley	Sanford
Benners	Hughes	Seale
Bulger	Jenkins	Sherrod
Burney	King	Tarrant
Cannon	Lee (Barbour)	Thompson
Carmichael	Lee (Etowah)	Tunstall
Cranford	McDuffie	

—441.

Nays:

Messrs.

Messrs.	Norville	Smith (Lee)
Bloch	Powell	Stollenwerck
John	Pugh	Turner
Killen	Rainer	Vann
Kirby	Rushton	White (Lamar)
Long (Butler)	Sanders	Williams (Lee)
Mastin		
McMillan		

—19.

H. 313. To provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county; to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Henley	Parker
Alford	John	Pearson
Altman	Johnson	Peete
Armstrong	Jones	Pitts (Perry)
Arnold	Killen	Powell
Arrington	King	Pratt
Avery	Kirby	Price
Baltzell	Lacy (Walker)	Pugh
Barton	Lawson	Rainer
Benners	Lindsey	Rattray
Bloch	Long (Morgan)	Rice
Bulger	Malone	Rowe
Cannon	Mastin	Sample
Cooper	Mayfield	Sanders
Cranford	Middleton	Sanford
Crum	Mitchell	Seale
Dudley	Moore	Sherrod
Edwards	McCrory	Tarrant
Elrod	McCurdy	Urquhart
Fuller	McDuffie	Vann
Glover	Norville	Woolf
Haley		

—64.

H. 343. For the relief of J. R. Harper, a confederate soldier.

Was read a third time, at length and passed.

Yeas, 62; nays, 2.

Yeas:

Messrs. Speaker	Garner	Lee (Barbour)
Ballard (Autauga)	Glover	Lindsey
Baltzell	Gunter	Mastin
Barton	Haley	Mayfield
Benners	Henley	Mitchell
Bloch	Hughes	Moore
Bulger	Jenkins	McCrory
Burney	Jones	McCurdy
Cannon	Killen	McDuffie
Doyle (Clarke)	King	Parker
Doyle (Marengo)	Kirby	Pearson
Fuller	Lacy (Walker)	Peete

Pratt	Sanford	Turner
Price	Seale	Urquhart
Pugh	Sherrod	Vann
Rainer	Smith (Elmore)	Wittmeier
Rattray	Smith (Etowah)	White (Lamar)
Rice	Smith (Lee)	Williams (Barbour)
Rowe	Stollenwerck	Williams (Lee)
Sample	Tarrant	Woolf
Sanders	Tunstall	

—62.

Nays:
Messrs.
John

Powell

—2.

H. 369. To allow confederate soldiers to engage in the business of peddling in the State of Alabama without payment of license.

Was taken up, Mr. Long of Butler offered the following amendment:

Provided, That no confederate soldier under this bill can employ any other person to peddle for him.

And the amendment was adopted.

Yeas, 65; nays, 2.

Yeas:

Messrs. Speaker	Haley	McCurdy
Alford	Henley	McDuffie
Altman	Hoffman	McMillan
Avery	Jenkins	Norville
Ballard (Autauga)	Johnson	Parker
Barton	King	Pearson
Benners	Kirby	Peete
Burney	Lacy (Dallas)	Pitts (Perry)
Cannon	Lacy (Walker)	Powell
Carmichael	Lee (Etowah)	Pratt
Cranford	Lindsey	Price
Crum	Long (Butler)	Pugh
Cunningham	Long (Morgan)	Rainer
Doyle (Clarke)	Mastin	Rattray
Fuller	Mayfield	Sample
Garner	Mitchell	Sanders
Glover	McCrory	Sanford

Seale	Tarrant	White (Lamar)
Sherrod	Tunstall	White (Perry)
Smith (Elmore)	Urquhart	Williams (Lee)
Smith (Lee)	Vann	Woolf
Stollenwerck	Wittmeier	

—65.

Nays:

Messrs.

John

Powell

—2.

And the bill:

H. 369. To allow confederate soldiers to engage in the business of peddling in the State of Alabama without payment of license.

As amended, was read a third time, at length and passed.

Yeas, 76; nays, 0.

Yeas:

Messrs. Speaker	John	Powell
Alford	Johnson	Pratt
Altman	Jones	Price
Armstrong	Killen	Pugh
Arnold	King	Rainer
Avery	Lacy (Dallas)	Rattray
Ballard (Autauga)	Lacy (Walker)	Rice
Benners	Lee (Barbour)	Rowe
Bulger	Lee (Barbour)	Rushton
Burney	Long (Butler)	Sample
Cannon	Long (Morgan)	Sanders
Carmichael	Malone	Sanford
Cooper	Mastin	Seale
Cranford	Mayfield	Sherrod
Crum	Mitchell	Smith (Elmore)
Cunningham	Moore	Smith (Etowah)
Doyle (Clarke)	McCrary	Smith (Lee)
Doyle (Marengo)	McCurdy	Stollenwerck
Fuller	McDuffie	Tarrant
Garner	McMillan	Tunstall
Glover	Norville	Urquhart
Gunter	Parker	Vann
Haley	Pearson	White (Lamar)
Hoffman	Peete	Williams (Lee)
Hughes	Pitts (Perry)	Woolf
Jenkins		

—76.

H. 350. To authorize the commissioners' court of Tallapoosa county to pay to P. A. Jackson, editor and proprietor of the Tallapoosa Courier, a newspaper published in Tallapoosa county, seventy-four dollars out of the county treasury for services rendered in printing and publishing the report of the treasurer of said county made in the year 1907.

Was read a third time, at length and passed.
Yeas, 64; nays, 0.

Yeas:

Messrs. Speaker	Jenkins	Pitts (Perry)
Alford	John	Powell
Altman	Lacy (Dallas)	Pratt
Armstrong	Lacy (Walker)	Price
Arnold	Lancaster	Pugh
Arrington	Lawson	Rainer
Avery	Lee (Barbour)	Rattray
Bulger	Lee (Etowah)	Rice
Burney	Lee (Houston)	Rowe
Cannon	Lindsey	Sample
Cooper	Long (Butler)	Sanders
Cranford	Malone	Tarrant
Crum	Mastin	Turner
Cunningham	Mayfield	Urquhart
Doyle (Clarke)	Mitchell	Vann
Doyle (Marengo)	Moore	Wittmeier
Dudley	McCrory	White (Lamar)
Edwards	McCurdy	White (Perry)
Elrod	McDuffie	Williams (Barbour)
Fuller	Parker	Williams (Lee)
Garner	Peete	Woolf
Hughes		

—64.

H. 219. For the relief of Dr. Philip V. Speir.

Was read a third time, at length and lost.

Yeas, 34; nays, 34.

Yeas:

Messrs. Speaker	Bloch	Doyle (Clarke)
Alford	Bulger	Glover
Arnold	Carmichael	Gunter
Benners	Cranford	Hoffman

Jenkins	Middleton	Pratt
King	Mitchell	Rainer
Lacy (Dallas)	McDuffie	Sanford
Lacy (Walker)	McMillan	Stollenwerck
Long (Butler)	Norville	Tunstall
Long (Morgan)	Peete	Turner
Mastin	Pitts (Perry)	Woolf
Mayfield		

—34.

Nays:

Messrs.

Altman	Lee (Barbour)	Sample
Avery	Lee (Etowah)	Seale
Ballard (Autauga)	Moore	Sherrod
Barton	McCurdy	Smith (Lee)
Cunningham	Parker	Tarrant
Fuller	Pearson	Urquhart
Garner	Powell	Vann
Haley	Pugh	Wittmeier
Hughes	Rice	White (Lamar)
John	Rowe	White (Perry)
Killen	Rushton	Williams (Lee)
Kirby		

—34.

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

Was taken up. Mr. Arnold offered the following substitute for the bill:

HOUSE SUBSTITUTE FOR SENATE BILL 107.

A bill to be entitled an act to provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

Section. Be it enacted by the Legislature of Alabama, That there is hereby created the office of official shorthand reporter of the city court of Anniston and

the circuit court of Calhoun county, which official reporter shall be appointed by the judges of said courts. Said official reporter shall be a competent and experienced court reporter, and shall hold office for four years, and until his successor is appointed and qualified. Said reporter shall be a sworn officer of said courts, and must take before either of the judges of said courts, the statutory oath of office, and in addition the following oath: "I do solemnly swear that I will faithfully and truly record in shorthand and transcribe in typewriting the oral testimony and proceedings which it shall become my duty to report and transcribe as reporter of the city court of Anniston and the circuit court of Calhoun county, so help me God." One of the judges of said courts shall require said reporter to give bond in a sum not to exceed one thousand dollars for the faithful performance of his duties.

Section 2. That it shall be the duty of said reporter, in person or by competent assistant, to attend the sessions of the city court of Anniston and the circuit court of Calhoun county, and whenever his services shall be required by the presiding judge or by any party to a suit pending in either of said courts, he shall take stenographic notes of the oral evidence and proceedings (except argument of counsel), noting the order in which same occur, recording all objections, the rulings of the court thereon and exceptions reserved thereto, together with the oral charge of the court to the jury and all exceptions reserved thereto. Shorthand notes as taken shall be read to the court by the reporter if required by the judge, during the progress of the trial. Said reporter shall cause the original shorthand notes in each case to be properly indexed and filed in some safe and convenient place to be prescribed by the court, and the same shall be preserved by such reporter for at least two years from the date of trial of such case. Upon the written demand of any party applying for the same personally or by counsel, said reporter must prepare and file a transcript in typewriting of his stenographic notes, which he must certify. The reporter shall be entitled to demand and receive from the party ordering a trans-

cript, upon the delivery thereof, the sum of five cents per hundred words contained in such transcript, which, if such transcript is ordered by a party to the cause, shall be taxed as part of the costs in such case, but shall not transcribe documentary evidence unless requested by the party applying for such transcript. Said reporter may require sufficient security to cover the cost of the transcript, to be deposited with the clerk of the court; provided that in criminal cases, if the defendant is ascertained by the presiding judge to be unable to pay the costs of the transcript, said judge may order the reporter to furnish said defendant a copy of the transcript, and the costs of same shall be reduced one-half and paid by the county, and be taxed as other costs in the case.

Section 3. That said official reporter shall receive annual salary of nine hundred dollars, payable in monthly installments by warrant of the president of the board of county commissioners, drawn on the treasurer of Calhoun county.

Section 4. That said official reporter may attend either of said courts by competent assistant, to be approved by the presiding judge. Such assistant reporter shall take the oath hereinbefore prescribed to be taken by the official reporter before performing any duties under the provisions of this act. The certified transcript of the official or assistant reporter shall be prima facie correct, and shall control in the event of disagreement relative to the matter reported.

Section 5. That said official reporter, or any assistant duly and legally appointed by him under the provisions of this act, shall, when requested by the solicitor of Calhoun county, be authorized and required to attend any of the sessions of the grand jury organized in the city court of Anniston, and to take notes of evidence when requested by said solicitor to do so, in any case under investigation by such grand jury, and to transcribe said notes into typewriting and deliver the same to said solicitor for his use if a true bill be found by the grand jury in such case. Said reporter, or, if he acts through an assistant, said assistant reporter, shall be

sworn to keep secret everything coming to his knowledge by reason of his presence in the grand jury room, and he shall not be present during the deliberations of the grand jury. And he shall also upon request of the solicitor attend preliminary trials in criminal cases in any court and take notes of the evidence therein, and transcribe same, delivering same only to the solicitor.

Section 6. That any party desiring a case to be reported in either of said courts shall request the services of the official reporter. In every case that is reported, whether a transcript of the testimony and proceedings be afterwards demanded or not, there shall be taxed as part of the costs the sum of five dollars, which shall be collected as other costs in the case, and when collected shall be paid into the treasury of said county.

Section 7. That when the official reporter is engaged in the performance of his duties in said city court of Anniston, and his services or the services of a reporter are ascertained by the presiding judge to be necessary in the circuit court of Calhoun, an assistant reporter may be employed by the official reporter, which said assistant reporter shall be compensated by the payment to him of three dollars per diem for the number of days actually engaged in attendance on sessions of the court, which compensation shall be paid on the last day of each month in which the services are rendered, on certificate from the judge of said court, certifying the number of days so employed in said month and the amount due for such services, which certificate shall be payable on presentation to the president of the board of county commissioners of Calhoun county, who shall issue a warrant on the county treasurer for same. It shall be the duty of the official reporter to provide a competent assistant reporter for said purpose, and if any compensation for said assistant reporter be necessary other than that hereinabove provided, the same shall be borne by the official reporter.

Section 8. That the board of county commissioners of Calhoun county may assign to said official reporter, for his use as an office, a suitable and convenient room in the courthouse of said county; and that all stationery

and office supplies to be used by such official reporter, in his capacity as such, may be paid for by Calhoun county upon order of the court of county commissioners in the manner now provided for the payment of stationery and office supplies used by the judge of probate of said county.

And the substitute was adopted.

Yeas, 64; nays, 0.

Nays:

Messrs. Speaker	John	Peete
Alford	Johnson	Powell
Altman	Jones	Pratt
Arnold	Killen	Price
Baltzell	King	Pugh
Barton	Kirby	Rainer
Benners	Lacy (Dallas)	Ratray
Bloch	Lacy (Walker)	Rice
Bulger	Lawson	Rowe
Burney	Lee (Etowah)	Sanders
Carmichael	Lee (Houston)	Seale
Cooper	Lindsey	Smith (Elmore)
Cranford	Mastin	Tarrant
Cunningham	Mayfield	Tunstall
Doyle (Clarke)	Mitchell	Turner
Doyle (Marengo)	Moore	Urquhart
Garner	McDuffie	Vann
Glover	McMillan	White (Perry)
Gunter	Norville	Williams (Barbour)
Haley	Parker	Williams (Lee)
Hughes	Pearson	Woolf
Jenkins		

—64.

And the bill:

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

As amended by the substitute, was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas :

Messrs. Speaker	Hughes	Powell
Alford	Jenkins	Pratt
Armstrong	Jones	Price
Arnold	Kirby	Pugh
Avery	Lacy (Dallas)	Rattray
Ballard (Autauga)	Lacy (Walker)	Rice
Ballard (Pike)	Lawson	Rushton
Bloch	Lee (Etowah)	Sample
Bulger	Lee (Houston)	Sanders
Burney	Long (Butler)	Sanford
Cannon	Long (Morgan)	Seale
Carmichael	Mastin	Smith (Elmore)
Cooper	Mayfield	Smith (Lee)
Crum	Moore	Tunstall
Doyle (Clarke)	McCrory	Turner
Doyle (Marengo)	McCurdy	Wittmeier
Edwards	McDuffie	White (Lamar)
Elrod	Parker	White (Perry)
Fuller	Pearson	Williams (Barbour)
Garner	Peete	Williams (Lee)
Haley	Pitts (Perry)	Woolf
Henley		

—64.

REPORT OF COMMITTEE OF THE WHOLE HOUSE.

Mr. Haley, chairman of the committee of the Whole House reported that he was directed by the committee to report that the committee had under consideration H. 6 and ordered that the bill H. 6 be returned to the House with the substitute and amendments, and that the bill H. 6 had been indefinitely postponed by the committee of the Whole House.

On motion of Mr. Hoffman the action of the committee of the Whole in indefinitely postponing the bill, H. 6, was concurred in.

Yeas, 47; nays, 35.

Yeas :**Messrs.**

Alford	Avery	Bloch
Altman	Baltzell	Bulger
Arnold	Barton	Cranford

Doyle (Marengo)	Long (Butler)	Pugh
Elrod	Long (Morgan)	Rainer
Glover	Malone	Rice
Gunter	Mastin	Sample
Hoffman	Mayfield	Sanders
Jenkins	Middleton	Sanford
Johnson	McCurdy	Sherrod
Kirby	McDuffie	Smith (Elmore)
Lacy (Dallas)	Norville	Tunstall
Lacy (Walker)	Parker	Turner
Lawson	Pearson	Williams (Barbour)
Lee (Barbour)	Pitts (Perry)	Woolf
Lee (Etowah)	Pratt	

—47.

Nays:

Messrs. Speaker	Garner	Rowe
Armstrong	Hughes	Rushton
Ballard (Autauga)	John	Seale
Ballard (Pike)	Jones	Smith (Lee)
Benners	Killen	Tarrant
Burney	Moore	Urquhart
Cannon	McCrary	Vann
Carmichael	McMillan	Wittmeier
Cunningham	Peete	White (Lamar)
Doyle (Clarke)	Powell	White (Perry)
Edwards	Price	Williams (Lee)
Fuller	Rattray	

—35.

PAIRS ANNOUNCED.

Mr. Henley announced that he was paired with Mr Lee of Houston. If he were present he would vote yea and Mr. Henley would vote nay.

Mr. Stollenwerck announced that he was paired with Mr. Thompson. If he were present he would vote yea and Mr. Stollenwerck would vote nay.

RECONSIDERATION.

Mr. Gunter moved to reconsider the vote by which the House concurred in the report of the committee of the Whole House on the bill H. 6.

Mr. Hoffman moved to table the motion to reconsider and the motion to table prevailed.

BILLS ON THIRD READING.

S. 56. To amend section 770 of the Code of Alabama, 1907.

Was read a third time, at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pratt
Alford	Hoffman	Price
Altman	Jenkins	Rainer
Armstrong	John	Rice
Arnold	Johnson	Rowe
Avery	Jones	Rushton
Ballard (Autauga)	King	Sanders
Ballard (Pike)	Kirby	Sanford
Benners	Lacy (Walker)	Seale
Bloch	Lawson	Smith (Elmore)
Bulger	Lee (Barbour)	Smith (Etowah)
Burney	Long (Butler)	Smith (Lee)
Causton	Malone	Stollenwerck
Carmichael	Mastin	Tarrant
Cooper	Mayfield	Tunstall
Cranford	Mitchell	Turner
Crum	Moore	Urquhart
Cunningham	McCrory	Wittieier
Doyle (Marengo)	McMillan	White (Lamar)
Edwards	Parker	White (Perry)
Elrod	Pearson	Williams (Barbour)
Fuller	Peete	Williams (Lee)
Garner	Pitts (Perry)	Woolf
Haley	Powell	

H. 301. To suppress gaming places.

Was taken up, Mr. Fuller offered the following amendment to the bill:

Amend H. B. 301 by striking out all that part of section 4 from and including the word "felony" where same occurs in fifth line from top of page 3 to and including the word "prescribed" where same occurs in said fifth line and insert in lieu therefor the following "misdemeanor and upon conviction shall be fined not less than fifty nor more than three hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months."

Amend section 4 by inserting the words "knowingly or willfully" immediately before the word "permits" and also before the word "suffers" where said words occur in the 8th line from top of page 3 of said bill.

Amend section 4 of the bill by striking out the words "any person violating the provisions of this section" and insert in place thereof "any person violating the foregoing provision."

And the amendment was adopted.

Yeas, 68; nays, 0.

Yeas:

Messrs. Speaker	Glover	McCrory
Altman	Haley	McDuffie
Avery	Henley	McMillan
Ballard (Autauga)	Hoffman	Norville
Ballard (Pike)	Hughes	Parker
Baltzell	John	Pearson
Benners	Johnson	Peete
Bulger	Jones	Pitts (Perry)
Burney	Killen	Powell
Cannon	King	Pratt
Carmichael	Kirby	Price
Cooper	Lacy (Dallas)	Pugh
Cranford	Lacy (Walker)	Rattray
Crum	Lawson	Rice
Doyle (Clarke)	Lee (Barbour)	Rowe
Doyle (Marengo)	Mayfield	Rushton
Elrod	Mitchell	Sample
Fuller	Moore	Sanders

Sanford	Tarrant	Wittmeier
Seale	Tunstall	White (Lamar)
Sherrod	Turner	Williams (Lee)
Smith (Elmore)	Urquhart	Woolf
Stollenwerck	Vann	

—68.

And the bill:

H. 301. To suppress gaming places.

As amended was read a third time, at length and passed.

Yeas, 67; nays, 3.

Yeas:

Messrs. Speaker	Henley	Price
Altman	Hughes	Rainer
Armstrong	John	Rowe
Arnold	Johnson	Rushton
Avery	Jones	Sample
Ballard (Autauga)	Killen	Sanders
Ballard (Pike)	King	Sanford
Baltzell	Lacy (Walker)	Seale
Benners	Lawson	Sherrod
Bloch	Lee (Barbour)	Smith (Elmore)
Bulger	Long (Morgan)	Smith (Etowah)
Burney	Malone	Smith (Lee)
Cannon	Mitchell	Stollenwerck
Carmichael	Moore	Tarrant
Cooper	McCrory	Tunstall
Crum	McMillan	Turner
Doyle (Marengo)	Parker	Urquhart
Edwards	Pearson	Vann
Elrod	Peete	Wittmeier
Fuller	Pitts (Perry)	White (Lamar)
Garner	Powell	White (Perry)
Glover	Pratt	Woolf
Haley		

—67.

Nays:

Messrs.

Cranford	Long (Butler)	Mastin
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—3.

H. 322. To further regulate the buying and selling of cotton seed and seed cotton, and to require public ginners, cotton seed oil mills and other purchasers to keep a

register of all purchases, giving the date and place of sale and from whence the cotton and seed came and where it was raised.

Was read a third time, at length and passed.

Yeas, 52; nays. 5.

Yeas:

Messrs. Speaker	Hughes	Parker
Altman	Jenkins	Pearson
Armstrong	John	Peete
Avery	Jones	Pitts (Perry)
Ballard (Autauga)	Killen	Price
Ballard (Pike)	King	Rice
Benners	Kirby	Rowe
Bloch	Lawson	Rushton
Burney	Long (Morgan)	Sanford
Carmichael	Malone	Sherrod
Cooper	Mayfield	Tarrant
Cranford	Mitchell	Tunstall
Cunningham	Moore	Turner
Doyle (Marengo)	McCrary	Urquhart
Edwards	McCurdy	Wittmeier
Garner	McMillan	Williams (Lee)
Glover	Norville	Woolf
Hoffman		

—52.

Nays:

Messrs.

Rattray	Sanders	Williams (Barbour)
Sample	Stollenwerck	

—5.

H. 124. To amend section 638 of the Code of Alabama.

Was read a third time, at length and passed.

Yeas:

Messrs. Speaker	Bloch	Doyle (Marengo)
Altman	Bulger	Edwards
Armstrong	Burney	Fuller
Arnold	Carmichael	Glover
Ballard (Autauga)	Cooper	Haley
Ballard (Pike)	Cranford	Henley
Benners	Cunningham	Hoffman

John	McCrory	Sanford
Jones	McDuffie	Sherrod
King	McMillan	Smith (Elmore)
Lacy (Dallas)	Pearson	Stollenwerck
Lacy (Walker)	Pratt	Tarrant
Lawson	Price	Tunstall
Lee (Barbour)	Rattray	Turner
Long (Morgan)	Rice	Urquhart
Mayfield	Rowe	Williams (Lee)
Mitchell	Rushton	Woolf
Moore		

—52.

Nays:

Messrs.

Avery	Long (Butler)	Sanders
Barton	McCurdy	White (Lamar)
Cannon	Parker	Williams (Barbour)
Killen		

—10.

H. 288. To require the courts of county commissioners, boards of revenue, or like officers of each county in the State of Alabama to pay, out of any funds in the county treasury, all the expense, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance is successful.

Was read a third time, at length and passed.

Yeas, 57; nays, 1.

Yeas:

Messrs. Speaker	Cranford	Kirby
Altman	Cunningham	Lacy (Walker)
Arnold	Doyle (Marengo)	Lawson
Avery	Fuller	Lee (Barbour)
Ballard (Autauga)	Garner	Long (Morgan)
Ballard (Pike)	Glover	Mayfield
Barton	Haley	Mitchell
Benners	Henley	Moore
Bulger	Hughes	McCrory
Burney	John	McCurdy
Carmichael	Jones	McMillan
Cooper	King	Pearson

Peete	Sample	Turner
Pitts (Perry)	Sanders	Urquhart
Rainer	Seale	Wittmeler
Ratray	Smith (Etowah)	White (Lamar)
Rice	Stollenwerck	Williams (Barbour)
Rowe	Tarrant	Williams (Lee)
Rushton	Tunstall	Woolf

—57.

Nays:

Mr. Edwards.

—1.

H. 262. To provide what shall be the contents of insurance policies issued by companies authorized to issue insurance policies in this State.

Was read a third time, at length and passed.

Yeas, 49; nays, 5.

Yeas:

Messrs. Speaker	Garner	Parker
Altman	Glover	Pearson
Armstrong	Haley	Peete
Arnold	Hughes	Pitts (Perry)
Avery	John	Ratray
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	Killen	Rushton
Barton	Lacy (Walker)	Sanders
Benners	Lawson	Sanford
Bloch	Lee (Barbour)	Seale
Bulger	Mayfield	Sherrod
Burney	Mitchell	Smith (Etowah)
Cannon	Moore	Turner
Carmichael	McCrory	Vann
Cranford	McCurdy	White (Lamar)
Crum	McMillan	Woolf
Doyle (Marengo)		

—49.

Nays:

Messrs.

Baltzell	Pratt	Stollenwerck
Cooper	Sample	

—5.

H. 29. To amend section 1996 of the Political Code of the State of Alabama for the relief of needy confederate soldiers and sailors, resident citizens of the State of Alabama and their widows, putting the words "one thousand dollars" in said section where the words "four hundred dollars" now appears.

Was taken up. On motion of Mr. Sample the bill, H. 29, was laid upon the table.

S. 40. For the further protection of fish; to make it unlawful to use nets, seines, or any devices or substitutes for the seine, in streams or bodies of water emptying into salt water or tide water; to provide for a closed season on bass, trout, mullet and red fish; and to limit the size of the mesh of seines used in salt water.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Game, Fish and Forestry Preservation.

Mr. Benners offered the following substitute for the substitute reported by the standing committee on Game, Fish and Forestry Preservation.

SUBSTITUTE FOR S. 40.

A bill to be entitled an act for the further protection of fish.

Section 1. Be it enacted by the Legislature of Alabama, That it is hereby made unlawful for any person to take, catch or kill any fish in any of the waters of this State by the use of any device or means other than by ordinary hook and line, gig, spear or trot line.

Section 2. It is hereby made lawful to catch all fish other than bream, bass or trout, by the use of hook-nets or traps with fingers not less than two inches apart, provided that no hoop-net or trap shall be set or built within one-half mile below any lock or dam on the stream it is used in, provided further that should any bream, bass or trout be caught in any such trap or net such bream, bass or trout shall at once be replaced in the waters from which they were taken; provided that nothing herein contained shall repeal the provisions of section 6904 of the Code of Alabama.

Section 3. Provided that the provisions of this act shall not apply to the salt waters, nor to that part of streams emptying into salt water in which the tide ebbs and flows.

Section 4. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars and not more than fifty dollars for each offense.

Mr. Sherrod offered the following amendment to the substitute offered by Mr. Benners:

Amend by adding at the end thereof:

Provided, That it shall be lawful to take fish in pools formed by streams that have ceased to run at any season of the year.

And the amendment offered by Mr. Sherrod was adopted.

And the substitute offered by Mr. Benners as amended by the amendment offered by Mr. Sherrod was adopted.

Yeas, 62; nays, 5.

Yeas :

Messrs. Speaker	Glover	Peete
Altman	Haley	Pitts (Perry)
Armstrong	Hoffman	Price
Arnold	Hughes	Rattray
Avery	John	Rice
Ballard (Autauga)	Johnson	Rowe
Ballard (Pike)	Jones	Rushton
Barton	King	Sample
Benners	Kirby	Sanders
Bloch	Lacy (Walker)	Sanford
Bulger	Lawson	Sherrod
Burney	Lee (Barbour)	Smith (Elmore)
Cannon	Lee (Etowah)	Smith (Etowah)
Carmichael	Mayfield	Stollenwerck
Cooper	Moore	Tunstall
Cranford	McCrory	Turner
Crum	McCurdy	Wittmeier
Cunningham	McMillan	White (Lamar)
Doyle (Marengo)	Norville	Williams (Barbour)
Fuller	Parker	Woolf
Garner	Pearson	

Nays:
Messrs.

Edwards
Jenkins

Killen
Pratt

Vann

—5

Mr. Tunstall asked unanimous consent to withdraw the substitutes reported by the standing committee on Game, Fish and Forestry Preservation. Consent was granted and the substitutes were withdrawn.

And the bill,

S. 40. For the further protection of fish; to make it unlawful to use nets, seines, or any devices or substitutes for the same, in streams or bodies of water emptying into salt water or tide water; to provide for a closed season on bass, trout, mullet and red fish; and to limit the size of the mesh of seines used in salt water.

As amended by the substitute, offered by Mr. Ben-
ners, as amended, was read a third time at length and
passed.

Yeas, 59; Nays, 4.

Yeas:

Messrs. Speaker	Garner	Price
Altman	Glover	Rattray
Armstrong	Haley	Rice
Arnold	Hoffman	Rowe
Avery	Hughes	Rushton
Ballard (Autauga)	John	Sample
Ballard (Pike)	Johnson	Sanders
Barton	Jones	Sanford
Benners	Kirby	Sherrod
Bloch	Lawson	Smith (Elmore)
Burney	Lee (Etowah)	Smith (Etowah)
Cannon	Mayfield	Tarrant
Carmichael	Mitchell	Tunstall
Cooper	Moore	Turner
Cranford	McCrory	Vann
Crum	McCurdy	Wittmeier
Cunningham	Norville	White (Lamar)
Doyle (Marengo)	Parker	Williams (Lee)
Edwards	Pearson	Woelf
Fuller	Pitts (Perry)	

—59

Nays:

Jenkins

Peete

Pratt

Stollenwerck

4

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 9. To provide a fund for the compensation and expenses of the assistant bank examiners.

S. 10. To amend section 3549 of the Code of Alabama.

S. 67. To provide for the protection of the forests of Alabama; to establish and create a State commission of forestry, to consist of the governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute, and one practical lumberman; to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio forest wardens, and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act; to create a forest reserve fund and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund.

And sends same herewith to the Houses.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Banking and Insurance, S. 9, S. 10.

Game, Fish and Forestry Preservation, S. 67.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment.

S. 143. To provide for the better compensation of sheriffs in this State.

Also,

S. 21. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523 and 7006 of the Code of Alabama, 1907, and to repeal section 1514, of the Code of Alabama, 1907.

Also,

S. 17. To amend section 4557 of the Code of Alabama of 1907.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Corporations, S. 143.

Banking and Insurance, S. 17, S. 21.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution.

Requesting the Senators and Representatives in Congress from the State of Alabama to bring the plans for the celebration, in 1911, of the two hundredth anniversary of the founding of the city of Mobile to the attention of Congress, the executive branches of the government, and the foreign powers.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The joint resolution set out in the above and foregoing Senate message was read one time and referred to the standing committee on Federal Relations.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment.

S. 50. To regulate the right to carry a pistol in this State.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows :

Revision of Laws, S. 50.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills :

H. 203. To amend section 16 of an act entitled "An act to provide for the organization, incorporation, government, and regulation of cities and towns, and to define the rights, powers, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the municipal code bill.

H. 279. To amend section 1867 of the Code of Alabama of 1907.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present signed the bills the titles to which are set out in the above and foregoing report of the standing committee on Enrolled Bills.

To the House of Representatives:

I am directed by the Governor to transmit to you the following message in writing.

This August 28th, 1909.

JOHN D. McNEEL, Private Secretary.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I herewith return House bill 110 without my approval, and propose the following amendments to meet my objections to said bill:

Amend the title of the bill so as to read as follows:

A bill to be entitled an act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

Amend section 1 of said bill so as to read as follows:

Section 1. That the boundaries of the city of Birmingham, in the county of Jefferson and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said city, all that territory lying within the county of Jefferson included within the boundaries herein set out, to wit:

Beginning at the southwest corner of section six, township eighteen, south, range two west, which is a point on the present boundary line of the city of Birmingham, in Jefferson county, Alabama; thence running north along the west boundary line of said section to where same intersects the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction across the southwest quarter of the southwest quarter of said section to a point on its north boundary where the east side of an alley in block eight hundred and fifty-four (854) of the Birmingham Realty Co.'s survey intersects the north boundary line of said quarter quarter section; thence east along said north boundary to the northeast corner of the southwest quarter of southwest quarter of section six aforesaid; thence south along the east boundary line of said subdivision to its intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence in a northeasterly direction along said right of way of said Birmingham Mineral railroad to a point where said right of way of said Birmingham Mineral railroad intersects with the east quarter section line of the west half of the northeast quarter of section twenty-seven, township seventeen south, range two west; thence in a straight line to the center of section twelve, township seventeen south, range two west; thence in a straight line to the southeast corner of the northeast quarter of the southeast quarter of section three, township seventeen south, range two west; thence in a straight line to a point where the north and south center line of section seventeen, township seventeen, south, range two west, crosses the north boundary line of the right of way of the Birmingham Mineral railroad; thence westward along the north boundary of said right of way of the said Birmingham Mineral railroad, to the western boundary of the northeast quarter of the southwest quarter of section eighteen, township seventeen, south, range two west; thence north to the southeast corner of the northwest quarter of the northwest quarter of section eighteen, township seventeen, south, range two west; thence in a straight line to the southeast cor-

ner of the northeast quarter of the northwest quarter of section fifteen, township seventeen, range three west; thence in a straight line to the southwest corner of the southwest quarter of the southeast quarter of section fifteen, township seventeen, range three west; thence in a straight line along the south boundary line of said section fifteen to the southwest corner of the southeast quarter of southwest quarter of said section fifteen; thence south in a straight line to the southwest corner of the northeast quarter of the northwest quarter of section twenty-two, township seventeen, range three west; thence west along the south boundary of said quarter section line to the southwest corner of the northwest quarter of the northwest quarter of said section twenty-two; thence south to the southwest corner of the southwest quarter of the northwest quarter of said section twenty-two; thence west in a straight line to the northwest corner of the southwest quarter of section nineteen, township seventeen, range three west; thence south in a straight line to the southwest corner of the northwest quarter of the southwest quarter of section thirty, township seventeen, range three, west; thence east in a straight line to the northeast corner of the southeast quarter of the southwest quarter of said section thirty; thence south in a straight line to the west bound track of the Birmingham Mineral railroad; thence in a south-westerly direction along the west side of the west bound track of said Birmingham Mineral railroad until the same intersects with the south boundary line of section thirty-six, township seventeen, range four west; thence west along said south boundary line to the southwest corner of the southeast quarter of the southwest quarter of said section thirty-six, township seventeen south, range four west; thence north in a straight line to the northwest corner of said southeast quarter of the southwest quarter of said section thirty-six; thence west in a straight line to the southwest corner of the northeast quarter of the southwest quarter of section thirty-five, township seventeen, range four west; thence south in a straight line to the southwest corner of the southeast quarter of the southwest quarter of section two, town-

ship eighteen, range four west; thence in a straight line east to the northwest corner of the northeast quarter of section twelve, township eighteen, south, range four west; thence south to the center of the south line of said section twelve, township eighteen south, range four west; thence east along the south boundary line of section twelve, township eighteen south, range four west, and the south boundary lines of section seven, eight, nine, ten, and eleven, township eighteen, south, range three west, to an intersection with the north boundary line of the right of way of the Birmingham Mineral railroad; thence eastward along the north line of said right of way of said Birmingham Mineral railroad to the intersection of the south boundary line of section one, township eighteen south, range three west; thence east along the south line of said section one, township eighteen south, range three west, to the point of beginning.

Amend section 2 of said bill so as to read as follows:

Section 2. That the boundaries set out in section one of this act be and the same are hereby established as the corporate limits of the said city of Birmingham, and the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, shall hereafter be and constitute a part of the city of **Birmingham**.

Amend section 3 of said bill so as to read as follows:

Section 3. This act shall not go into effect until January 1st, 1910. **B. B. COMER, Governor.**

On motion of Mr. King the House concurred in and adopted the amendment proposed by the Governor to the bill H. 110, by the following vote:

Yeas, 52; nays, 26.

Yeas:

Messrs. Speaker	Ballard (Autauga)	Bloch
Altman	Ballard (Pike)	Bulger
Armstrong	Baltzell	Burney
Arnold	Barton	Cannon
Avery	Benners	Cooper

Cranford	Long (Morgan)	Sanders
Crum	Malone	Seale
Cunningham	Mitchell	Sherrod
Doyle (Marengo)	Moore	Smith (Elmore)
Elrod	McMillan	Smith (Lee)
Garner	Parker	Tunstall
Haley	Pearson	Turner
Henley	Pitts (Perry)	Wittmefer
Hughes	Price	White (Lamar)
John	Rice	White (Perry)
Killen	Rowe	Williams (Lee)
King	Rushton	Woolf
Kirby		

—52

Nays :

Messrs.

Alford	Lawson	Rainer
Carmichael	Lee (Barbour)	Ratray
Edwards	Lee (Etowah)	Sample
Fuller	Long (Butler)	Sanford
Glover	Mayfield	Smith (Etowah)
Jenkins	McCrary	Stollenwerck
Johnson	McCurdy	Tarrant
Jones	Norville	Williams (Barbour)
Lacy (Walker)	Pratt	

—26

RECESS.

The hour of 6 o'clock having arrived under the rules the House recessed until 8 p. m.

NIGHT SESSION.

The hour of 8 o'clock having arrived the House reconvened.

BILL ON THIRD READING.

S. 134. (With amendment.) To amend section 3322 of the Code of 1907.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

Amend bill by adding to the end thereof the following:

"And provided, further, that no allowance shall be made to any commissioner for per diem or mileage for inspecting roads, bridges, etc., except when acting under authority of an order of the commissioners' court previously made."

And the amendment was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Henley	Price
Altman	Hughes	Pugh
Armstrong	John	Rainer
Ballard (Autauga)	Jones	Rice
Ballard (Pike)	Killen	Rowe
Benners	Kirby	Rushton
Bloch	Lacy (Dallas)	Sample
Burney	Lacy (Walker)	Sanders
Cannon	Lawson	Sanford
Carmichael	Mayfield	Sherrod
Cooper	Mitchell	Smith (Elmore)
Cranford	Moore	Smith (Lee)
Crum	McCrory	Stollenwerck
Cunningham	McCurdy	Tarrant
Doyle (Clarke)	McMillan	Tunstall
Doyle (Marengo)	Norville	Urquhart
Elrod	Parker	Vann
Fuller	Pearson	White (Lamar)
Garner	Pitts (Dallas)	White (Perry)
Glover	Pitts (Perry)	Williams (Barbour)
Haley	Pratt	Williams (Lee)

—63

And the bill,

S. 134. To amend section 3322 of the Code of 1907.

As amended, was read a third time at length, and passed.

Yeas, 62; nays, 0.

Yeas:		
Messrs. Speaker	Haley	Price
Altman	Henley	Pugh
Armstrong	Hughes	Rattray
Avery	John	Rice
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	Killen	Rushton
Benmers	Kirby	Sample
Bloch	Lacy (Dallas)	Sanford
Brown	Lacy (Walker)	Sherrod
Burney	Lawson	Smith (Elmore)
Carmichael	Lee (Barbour)	Smith (Lee)
Cooper	Mayfield	Stollenwerck
Cranford	Mitchell	Tarrant
Crum	Moore	Tunstall
Cunningham	McCrary	Turner
Doyle (Clarke)	McCurdy	Urquhart
Doyle (Marengo)	McMillan	Vann
Edwards	Parker	White (Lamar)
Fuller	Peete	White (Perry)
Garner	Pitts (Dallas)	Williams (Barbour)
Glover	Pitts (Perry)	

—62

RESOLUTION.

Mr. Lacy, of Walker, offered the following resolution, the rules were suspended and the resolution was adopted:

By Mr. Lacy, of Walker.

H. R. 77. Be it resolved by the House, That no Senate bill shall be taken up or considered by the House tonight.

BILLS ON THIRD READING.

H. 335. To regulate the remittances by the banks of the State of money collected on drafts with bills of lading attached.

Was read a third time at length, and passed.

Yeas, 62; nays, 2.

Yeas:

Messrs. Speaker	Henley	Price
Altman	Hughes	Pugh
Avery	Jenkins	Rainer
Ballard (Autauga)	John	Rice
Ballard (Pike)	Jones	Rowe
Barton	Killen	Rushton
Benners	Kirby	Sample
Bloch	Lacy (Dallas)	Sanders
Burney	Lacy (Walker)	Sanford
Cannon	Lee (Barbour)	Seale
Carmichael	Lee (Etowah)	Sherrod
Cooper	Lee (Houston)	Smith (Elmore)
Cranford	Mayfield	Smith (Lee)
Crum	Mitchell	Tarrant
Cunningham	Moore	Thompson
Doyle (Clarke)	McCrary	Tunstall
Doyle (Marengo)	McCurdy	Vann
Edwards	McMillan	White (Lamar)
Fuller	Parker	White (Perry)
Garner	Pitts (Dallas)	Williams (Barbour)
Haley	Pitts (Perry)	

—62

Nays:**Messrs.**

Glover	Stollenwerck
--------	--------------

—2

H. 339. To amend section 1182 of the Code of Alabama.

Was read a third time at length, and passed.

Yeas, 62; nays, 3.

Yeas:

Messrs. Speaker	Bloch	Elrod
Altman	Burney	Fuller
Armstrong	Cannon	Garner
Arnold	Carmichael	Glover
Avery	Cooper	Haley
Ballard (Autauga)	Cranford	Henley
Ballard (Pike)	Cunningham	Hughes
Barton	Doyle (Clarke)	Jenkins
Benners	Doyle (Marengo)	Jones

Killen	Parker	Sanford
King	Peete	Seale
Lacy (Walker)	Pitts (Dallas)	Stollenwerck
Lawson	Pitts (Perry)	Tarrant
Lee (Barbour)	Pratt	Tunstall
Lee (Etowah)	Price	Urquhart
Mayfield	Pugh	Vann
Mitchell	Rainer	Wittmeier
Moore	Rice	White (Lamar)
McCrary	Rowe	Williams (Barbour)
McCurdy	Rushton	Williams (Lee)
McMillan	Sanders	

—62

Nays:

Messrs.

John

Sherrod

Smith (Elmore)

—3

H. 304. To strengthen the credit of municipalities in this State and provide for the collection of enough money to pay the interest on the bonds of any municipality which fails to pay the interest due on any bond of the municipality.

Was read a third time at length, and passed.

Yeas, 51; nays, 6.

Yeas:

Messrs. Speaker	John	Rainer
Ballard (Autauga)	Jones	Rice
Ballard (Pike)	Killen	Rowe
Barton	King	Rushton
Benners	Kirby	Sample
Bloch	Lacy (Dallas)	Sanders
Burney	Lacy (Walker)	Sanford
Carmichael	Lawson	Seale
Cranford	Mayfield	Smith (Lee)
Crum	Mitchell	Tarrant
Doyl (Clarke)	Moore	Tunstall
Fuller	McCrary	Urquhart
Glover	McCurdy	Wittmeier
Haley	McMillan	White (Lamar)
Henley	Pitts (Perry)	White (Perry)
Hughes	Price	Williams (Barbour)
Jenkins	Pugh	Williams (Lee)

—51

Nays:

Messrs.

Cannon
Garner

Pitts (Dallas,
Sherrod

Smith (Elmore)
Stollenwerck

—6

H. 71. (With amendment.) To amend section 6572 of the Code of 1907.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

“Amend the bill by striking out section two (2),

And the amendment was adopted.

Yeas, 65; nays, 0.

Yeas:

Messrs. Speaker	Jenkins	Rattray
Alford	John	Rice
Altman	Jones	Rowe
Ballard (Autauga)	Killen	Rushton
Ballard (Pike)	King	Sample
Barton	Kirby	Sanders
Benners	Lacy (Walker)	Sanford
Bloch	Lawson	Seale
Burney	Lee (Etowah)	Sherrod
Cannon	Lee (Houston)	Smith (Elmore)
Carmichael	Mayfield	Smith (Lee)
Cooper	Mitchell	Stollenwerck
Cranford	Moore	Tarrant
Crum	McCrary	Tunstall
Doyle (Clarke)	McCurdy	Turner
Doyle (Marengo)	McMillan	Vann
Fuller	Parker	Wittmeier
Garner	Peete	White (Lamar)
Glover	Pitts (Perry)	White (Perry)
Haley	Price	Williams (Barbour)
Henley	Pugh	Williams (Lee)
Hughes	Rainer	

—65

And the bill,

H. 71. To amend section 6572 of the Code of 1907.

As amended, was read a third time at length and passed.

Was read a third time at length, and passed.
Yeas, 55; nays, 2.

Yeas:

Messrs. Speaker	John	Rainer
Alford	Jones	Rice
Arnold	Lacy (Walker)	Rowe
Ballard (Autauga)	Lawson	Rushton
Ballard (Pike)	Lee (Etowah)	Sample
Benners	Mayfield	Sanders
Bloch	Mitchell	Sanford
Burney	Moore	Seale
Carmichael	McCrary	Sherrod
Cooper	McCurdy	Smith (Lee)
Cranford	McMillan	Stollenwerck
Crum	Parker	Tarrant
Cunningham	Pearson	Tunstall
Fuller	Pitts (Dallas)	Urquhart
Glover	Pitts (Perry)	Vann
Haley	Pratt	Wittmeier
Henley	Price	White (Lamar)
Hoffman	Pugh	White (Perry)
Hughes		

—55

Nays:

Messrs.

Cannon

Williams (Barbour)

—2

H. 72. To amend section 7718 of the Code of 1907.

Was taken up. On motion of Mr. Haley the bill H. 72 was laid upon the table.

H. 254. To amend section 4335 of the Code of Alabama of 1907, relating to fee of garnishee for making answer to garnishment.

Was read a third time at length, and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Barton	Carmichael
Altman	Benners	Cranford
Ballard (Autauga)	Bloch	Crum
Ballard (Pike)	Burney	Cunningham
Baltzell	Cannon	Doyle (Clarke)

Edwards	Long (Morgan)	Pugh
Fuller	Lyons	Rainer
Garner	Malone	Rice
Glover	Maner	Rowe
Gunter	Mayfield	Rushton
Haley	Mitchell	Sample
Hughes	Moore	Sanders
Jenkins	McCrory	Sanford
John	McCurdy	Seale
Jones	McMillan	Sherrod
Killen	Parker	Smith (Elmore)
King	Pearson	Tarrant
Kirby	Pitts (Dallas)	Tunstall
Lacy (Walker)	Pitts (Perry)	Vann
Lawson	Powell	Wittmeier
Lee (Etowah)	Price	Williams (Lee)
Long (Butler)		

—64

Nays:

Mr. White (Perry).

—1

H. 270. To regulate the sale of seed grain and to provide penalties for the violation thereof.

Was taken up. On motion of Mr. Ballard, of Autauga, the further consideration of the bill, H. 270, was postponed until tomorrow and that said bill would not lose its place upon the calendar.

H. 198. To amend section 6349 of the Code.

Was read a third time at length, and passed.

Yeas, 52; nays, 3.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Kirby
Alford	Fuller	Lawson
Altman	Garner	Mayfield
Arnold	Glover	Mitchell
Ballard (Autauga)	Gunter	Moore
Ballard (Pike)	Haley	McCrory
Benners	Henley	McCurdy
Burney	Hughes	McDuffie
Carmichael	John	McMillan
Crum	Jones	Parker

Pearson	Rowe	Stollenwerck
Pitts (Dallas)	Rushton	Tarrant
Pitts (Perry)	Sample	Tunstall
Pratt	Sanders	Urquhart
Price	Sanford	Vann
Pugh	Seale	White (Lamar)
Rainer	Sherrod	Williams (Barbour)
Rice		

—52

Nays:		
Cooper	Kirby	Lee (Etowah)

—3

ADJOURNMENT.

The hour of 10 o'clock p. m. having arrived the House adjourned until 9:30 tomorrow morning.

EIGHTEENTH DAY.

House of Representatives,

MONTGOMERY, Ala., Thursday, Aug. 19, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Malone, of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Ballard (Pike)	Carmichael
Alford	Baltzell	Cooper
Altman	Barton	Cranford
Armstrong	Benners	Crum
Arnold	Bloch	Cunningham
Arrington	Bulger	Doyle (Clarke)
Avery	Burney	Doyle (Marengo)
Ballard (Autauga)	Cannon	Edwards

Elrod	Long (Butler)	Rattray
Fuller	Long (Morgan)	Rice
Garner	Malone	Rowe
Glover	Mastin	Rushton
Gunter	Mayfield	Sample
Haley	Middleton	Sanders
Henley	Mitchell	Sanford
Hoffman	Moore	Seale
Hughes	McCrory	Sherrod
Jenkins	McCurdy	Smith (Elmore)
John	McDuffie	Smith (Lee)
Johnson	McMillan	Stollenwerck
Jones	Norville	Tarrant
Killen	Parker	Tunstall
King	Pearson	Turner
Kirby	Peete	Urquhart
Lacy (Dallas)	Pitts (Dallas)	Vann
Lacy (Walker)	Pitts (Perry)	Wittmeier
Lancaster	Powell	White (Lamar)
Lawson	Pratt	White (Perry)
Lee (Barbour)	Price	Williams (Barbour)
Lee (Etowah)	Pugh	Williams (Lee)
Lee (Houston)	Rainer	Woolf
Lindsey		

—94

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to make the following report:

We have examined the Journal for the seventeenth day and find same to be correct.

R. C. SMITH, Chairman.

The report of the committee was concurred in and the Journal for the seventeenth day was approved.

REPORT OF RULES COMMITTEE.

The Speaker, chairman of committee on Rules, returned to the House the following resolution with a favorable report:

Rules Committee.

H. R. 78. Resolved by the House, That the program or hours for work for today be the same as yesterday.

And the resolution was adopted.

BILLS ON SECOND READING.

Mr. Woolf, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 129. To relieve banking institutions conducted by individuals, or firms or corporations organized under the laws of this State, from the payment of any municipal license tax.

Mr. Haley, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 140. To repeal the local road laws applying to the county of Montgomery.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 21. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523 and 7006 of the Code of Alabama, 1907, and to repeal section 1514, of the Code of Alabama, 1907.

S. 17. To amend section 4557 of the Code of Alabama of 1907.

S. 10. To amend section 3549 of the Code of Alabama.

S. 9. To provide a fund for the compensation and expenses of the assistant bank examiners.

Mr. Stollenwerck, acting chairman of the standing committee on Capitol and Grounds, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 253. To dedicate not less than one-eighth of the grounds in which the State capitol is situated to memorialistic design and artistic beauty.

Mr. Rushton, acting chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 50. To regulate the right to carry a pistol in this State.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered that same be returned to the House with a favorable report.

S. 102. To amend section 5231 of the Code of Alabama of 1907.

S. 62. To define and regulate negotiable instruments.

H. 372. To require the recordation of grants, options, leases, or other contracts purporting to vest in any person the right or privilege to mine coal or other minerals or to sink oil or gas wells, operate and maintain such wells.

H. 378. To amend an act to allow justices of the peace of beats 1, 2, 3, 4, 5 and 6 of the county of Montgomery to hold their courts and offices in either of said beats, and to have and exercise jurisdiction in either.

Mr. Haley, acting chairman of the standing committee on Corporations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 143. To provide for better compensation of sheriffs in this State.

Mr. Sherrod, acting chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 67. To provide for the protection of the forests of Alabama; to establish and create a State commission of forestry to consist of the Governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute, and one practical lumberman; to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio forest wardens, and to provide for the appointment of deputy forest wardens by the Governor; to exempt from taxation for a period of ten years lands which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund.

The above and foregoing bills were severally read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Sherrod, acting chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 129 and H. 367.

RESOLUTION ON SECOND READING.

The House joint resolution 59 was read a second time at length.

INTRODUCTION OF BILLS.

On a call of the counties, a bill was introduced, read one time, and referred to an appropriate standing committee as follows:

By Mr. John.

H. 379. To appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to pay for the publication of the proclamation of the Governor, with reference to constitutional amendments.

Appropriations.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 256. To make an additional appropriation of sixty thousand dollars for feeding prisoners in county jails.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendments proposed by the Governor to House bill 110.

The vote on said amendments being as follows:

Yeas, 19; nays, 10.

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

S. 86. To provide for the disposition of money to which minors are entitled.

Also,

S. 105. To regulate the packing and sale or other disposition of feed stuffs.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 86.

Commerce and Common Carriers, S. 105.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered the same sent forthwith to the House without engrossment:

S. 110. To regulate the operation of automobiles, locomobiles, motor bicycles, and other motor vehicles of like kind in the State of Alabama.

Also,

S. 94. To create the office of assistant solicitor for Mobile county, define his duties and fix his compensation.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Mobile County. }

Before me, Washington Moody, a notary public in and for said State and county, personally appeared Michael P. Dowling, a competent witness who, being first duly sworn, doth depose and say that he is bookkeeper of the Mobile Daily Item, a newspaper published daily in the city and county of Mobile, State of Alabama, that he knows of his own personal knowledge that a notice announcing that a bill would be introduced at the next ses-

sion of the Legislature of Alabama looking toward the creation of an office of an Assistant Solicitor for Mobile county, which notice reads as follows:

"Notice is hereby given that a bill will be introduced and sought to be passed at the next session of the legislature of Alabama, whether said session be a regular session or an extraordinary session called at the instance of the Governor of Alabama, to create the office of an Assistant Solicitor for Mobile county, provide for his appointment, define his duties and fix his compensation."

Was published once a week for four consecutive weeks in The Mobile Daily Item, on June 21st, 1909, June 28th, 1909, July 6th, 1909, and July 12th, 1909, respectively.

MICHAEL P. DOWLING.

Subscribed and sworn to before me this 21st day of July, 1909.

WASHINGTON MOODY,

Notary Public, Mobile County, Alabama.

NOTICE.

Notice is hereby given that a bill will be introduced and sought to be passed at the next session of the legislature of Alabama, whether said session be a regular session or an extraordinary session called at the instance of the Governor of Alabama, to create the office of an Assistant Solicitor for Mobile county, provide for his appointment, define his duties and fix his compensation.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Commerce and Common Carriers, S. 110.

Local Legislation, S. 94.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bills your signature is requested:

S. 123. To repeal an act approved November 23, 1907, entitled an act to provide for a license tax of one dollar on each dog over the age of three months kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county, and to prescribe a punishment for any person who keeps a dog in said county over the age of three months without first having taken out such license.

S. 22. To appropriate the sum of \$30.00 for the year 1905, and the further sum of \$30.00, for the year 1907, and the further sum of \$30.00 for the year 1908, total \$90.00, to W. N. Clifton, of Randolph county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years.

J. A. KYLE, Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 300. To amend section 3488 of the Code of Alabama of 1907.

And has amended as therein shown and as amended has passed.

H. 161. To amend section 1989 of the Code of Alabama.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Barton the House concurred in the Senate amendment to the bill, H. 161, said Senate amendment being as follows:

Amend the bill by striking out the words "the surface and surface rights to the lot or parcel of land on which said public school house is being erected or repaired" where the same appear in said bill and insert in lieu thereof the words:

"The lot or parcel of land on which said public school house is being erected or repaired, or the surface and surface rights therein free of incumbrance or lien."

Yeas, 61; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Powell
Alford	Fuller	Pratt
Altman	Garner	Price
Armstrong	Glover	Pugh
Arnold	Haley	Rainer
Arrington	Hoffman	Rattray
Avery	Hughes	Rowe
Ballard (Autauga)	John	Rushton
Ballard (Pike)	Jones	Sample
Barton	Lawson	Sanders
Benners	Lee (Barbour)	Sanford
Bloch	Mayfield	Sherrod
Bulger	Mitchell	Smith (Lee)
Burney	Moore	Stollenwerck
Cannon	McCrory	Tarrant
Carmichael	McMillan	Turner
Cooper	Parker	Wittmeier
Cranford	Pearson	White (Lamar)
Crum	Peete	Williams (Lee)
Doyle (Clarke)	Pitts (Perry)	Woolf
Doyle (Marengo)		

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has nonconcurred in the House amendments to

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

And request a committee of conference.

Committee on part of the Senate: Messrs. Blackmon and Barbour.

And returns same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Arnold the House acceded to the request of the Senate for a committee of conference on the disagreement of the two Houses on the House amendment to the bill, S. 107, and the Speaker named as a committee of conference on the part of the House, Messrs. Arnold, Cooper and Hoffman.

BILLS ON THIRD READING.

H. 156. In relation to social clubs, and societies for the social or literary advancement of their members or both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence; to revoke the charter of those not complying with this act; and to prescribe penalties.

Was read a third time, at length, and passed.

Yeas, 48; nays, 14.

Yeas:

Messrs. Speaker	Ballard (Pike)	Cooper
Altman	Benners	Crum
Arrington	Burney	Cunningham
Avery	Cannon	Doyle (Marengo)
Ballard (Autauga)	Carmichael	Fuller

Garner	Mayfield	Rice
Henley	Mitchell	Rowe
Hughes	McCrory	Rushton
John	McCurdy	Sanders
Johnson	McMillan	Sherrod
Jones	Parker	Smith (Lee)
Killen	Pearson	Tarrant
Lacy (Walker)	Peete	Urquhart
Lawson	Powell	Vann
Lee (Barbour)	Price	White (Lamar)
Malone	Pugh	Williams (Lee)

—48

Nays:**Messrs.**

Alford	Glover	Pratt
Barton	Hoffman	Rainer
Bloch	Long (Butler)	Rattray
Edwards	Mastin	Stollenwerck
Elrod	Norville	

—14

H. 195. To submit to the qualified electors a proposed amendment to the constitution providing for the collection of delinquent poll taxes by legal process, to be designated as Sec. 194-A.

Was taken up. Mr. Mitchell offered the following amendment to the bill:

“Strike out the first line of Sec. 2 of the bill and insert in lieu thereof: Sec. 2. That on the first Tuesday after the first Monday in November, 1910.”

And the amendment was adopted.

Yeas, 51; nays, 4.

Yeas:

Messrs. Speaker	Benners	Garner
Altman	Cannon	Glover
Armstrong	Carmichael	Haley
Arnold	Cooper	Johnson
Avery	Cunningham	Jones
Ballard (Autauga)	Doyie (Clark)	Killen
Ballard (Pike)	Doyle (Marengo)	Lacy (Dallas)
Baltzell	Elrod	Lacy (Walker)
Barton	Fuller	Lawson

Lee (Barbour)	Pearson	Sherrod
Lee (Etowah)	Powell	Smith (Elmore)
Long (Butler)	Pratt	Smith (Lee)
Malone	Price	Tarrant
Mayfield	Pugh	Turner
Mitchell	Rattray	Wittmeier
Moore	Rice	White (Lamar)
McCrory	Sanders	Williams (Lee)

—51

Nays:

Messrs.

Arrington

Stollenwerck

Williams (Barbour)

Edwards

—4

Mr. Sherrod offered the following amendment to the bill:

Amend by striking out of bill the following words in section 1:

“And if he fails to pay the poll tax before it becomes delinquent under Sec. 194 of the constitution it may be collected by legal process for every year after the adoption of this amendment.”

Mr. Pitts, of Perry, moved to table the bill and pending amendments and the motion to table was lost.

Mr. Sherrod asked unanimous consent to withdraw his amendment. Consent was granted and the amendment was withdrawn.

Mr. Lee, of Etowah, offered the following amendment to the bill:

“Amend bill by adding that before he shall be entitled to vote the elector shall have paid all poll tax due by him since the year 1902.”

Mr. Tunstall moved to table the bill and pending amendments and the motion to table was lost.

Yeas, 33; nays, 48.

Yeas :**Messrs.**

Alford	Gunter	Pitts (Dallas)
Altman	Jones	Pitts (Perry)
Arnold	Lacy (Dallas)	Pratt
Arrington	Lacy (Walker)	Rainer
Baltzell	Long (Butler)	Rice
Benners	Mayfield	Rowe
Cooper	Moore	Sherrod
Crum	McCurdy	Stollenwerck
Cunningham	McMillan	Tunstall
Edwards	Norville	White (Perry)
Elrod	Parker	Williams (Barbour)

—33

Nays :**Messrs. Speaker**

Avery	Henley	Price
Ballard (Autauga)	Hughes	Pugh
Ballard (Pike)	John	Rattray
Barton	Johnson	Rushton
Bloch	Killen	Sample
Bulger	King	Sanders
Burney	Kirby	Smith (Elmore)
Cannon	Lawson	Smith (Lee)
Carmichael	Lee (Barbour)	Tarrant
Cranford	Lee (Etowah)	Turner
Doyle (Marengo)	Malone	Urquhart
Fuller	Mastin	Vann
Garner	Mitchell	Wittmeier
Glover	McCrory	White (Lamar)
Haley	Pearson	Williams (Lee)
	Powell	Wolf

—48

And the question recurred upon the adoption of the amendment offered by Mr. Lee, of Etowah, and the amendment was lost.

Yeas, 33; nays, 45.

Yeas :**Messrs. Speaker**

Arnold	Cunningham	Jones
Cooper	Edwards	Kirby
Cranford	Gunter	Lacy (Dallas)
	Hughes	Lacy (Walker)

Lee (Barbour)	Norville	Rowe
Lee (Etowah)	Parker	Sample
Long (Butler)	Pitts (Perry)	Sherrod
Moore	Powell	Stollenwerck
McCrorry	Pratt	Tunstall
McCurdy	Rainer	Turner
McMillan	Rice	Williams (Barbour)

—33

Nays:**Messrs.**

Altman	Elrod	Mitchell
Arrington	Fuller	Pearson
Avery	Garner	Peete
Ballard (Autauga)	Glover	Price
Ballard (Pike)	Haley	Pugh
Baltzell	Henley	Rattray
Benners	Hoffman	Rushton
Bloch	John	Sanders
Bulger	Johnson	Smith (Elmore)
Burney	Killen	Smith (Lee)
Cannon	King	Tarrant
Carmichael	Lawson	Urquhart
Crum	Malone	Vann
Doyle (Clarke)	Mastin	White (Lamar)
Doyle (Marengo)	Mayfield	Woolf

—45

And the bill,

H. 195. To submit to the qualified electors a proposed amendment to the constitution providing for the collection of delinquent poll taxes by legal process, to be designated as Sec. 194-A.

As amended, was read a third time, at length, and lost.

Yeas, 51; nays, 33.

Yeas:

Messrs. Speaker	Bulger	Fuller
Armstrong	Burney	Garner
Avery	Cannon	Glover
Ballard (Autauga)	Carmichael	Haley
Ballard (Pike)	Cranford	Henley
Barton	Doyle (Clarke)	Hughes
Bloch	Doyle (Marengo)	John

Johnson	Peete	Smith (Elmore)
Killen	Powell	Smith (Lee)
King	Pratt	Tarrant
Lawson	Price	Turner
Lee (Barbour)	Pugh	Urquhart
Lee (Etowah)	Rattray	Vann
Malone	Rowe	Wittmeier
Mastin	Rushton	White (Lamar)
Parker	Sample	Williams (Lee)
Pearson	Sanders	Woolf

—51

Nays:

Alford	Gunter	Norville
Altman	Hoffman	Parker
Arnold	Jones	Pitts (Dallas)
Arrington	Lacy (Dallas)	Pitts (Perry)
Baltzell	Lacy (Walker)	Rainer
Benners	Long (Butler)	Rice
Cooper	Mayfield	Sherrod
Crum	Moore	Stollenwerck
Cunningham	McCrary	Tunstall
Edwards	McCurdy	Williams (Barbour)
Elrod	McMillan	

—33

REPORT OF COMMITTEE ON ENROLLED BILLS.**Mr. Speaker:**

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 161. To amend section 1989 of the Code of Alabama.

H. 256. To make an additional appropriation of sixty thousand dollars for feeding prisoners in county jails.

H. 300. To amend section 3488 of the Code of Alabama of 1907.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report of the standing committee on Enrolled Bills.

Chief Executive Department—Alabama.

To the House of Representatives:

I am directed by the Governor to transmit to the House a message in writing with accompanying documents.

JOHN D. MCNEEL,
Private Secretary.

Aug. 19, 1909.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I hereby return to you House bill No. 55 with my objections, which are that the bill is limited in its scope to certain defined vacancies and does not include other vacancies that might occur, and I propose an amendment which will remove my objections to the bill, and which amendment is as follows:

Amend the bill by inserting therein after the words, "the former incumbent absconds" and before the words "and there is no way provided" the words, "or because an incumbent has been removed for ineligibility or when the office is vacant from any other cause."

B. B. COMER, Governor.

On motion of Mr. John the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 55, by the following vote:

Yeas, 54; nays, 0.

Yeas:

Messrs. Speaker	Doyle (Marengo)	McCurdy
Altman	Edwards	Parker
Armstrong	Elrod	Peete
Avery	Fuller	Pitts (Perry)
Ballard (Autauga)	Garner	Pratt
Ballard (Pike)	Glover	Price
Baltzell	Haley	Pugh
Barton	Henley	Rainer
Benners	Hughes	Rowe
Bloch	John	Sample
Bulger	Johnson	Seale
Burney	Jones	Smith (Lee)
Cannon	Killen	Tarrant
Carmichael	Kirby	Turner
Cooper	Lawson	Urquhart
Crum	Mayfield	White (Lamar)
Cunningham	Moore	Williams (Lee)
Doyle (Clarke)	McCrory	Woolf

—54

BILLS ON THIRD READING.

H. 68. (With substitute.) To require all clerks of courts of record within this State to make annual reports to the State treasurer of all witness fees collected by them more than two years preceding the date of such report which have not been disbursed by them as provided by law, and to pay into the State treasury annually upon the submission of such report all witness fees collected by them for more than two years preceding the filing of such report, which have not been paid out to the persons lawfully entitled thereto; and to provide for the escheat to the State of all witness fees which have not been or shall not hereafter be claimed by the persons legally entitled thereto within six years from the date of the collection thereof and to provide for the payment by all clerks of courts of record in this State to their several successors in office of witness fees in their hands at the time of the expiration of their several offices and to provide for the discharge of all liability on

the part of such clerks upon the expiration of their several terms of office for all witness fees in their hands which shall be paid over to their several successors in office, or to the treasurer of the State of Alabama.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Judiciary, said substitute being as follows:

Substitute reported by Judiciary Committee to H. 68:

A bill to be entitled an act to regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

Be it enacted by the Legislature of Alabama, 1. That on the first day of January, in each year, all clerks of courts of record within this State shall file with the county treasurer of their respective counties a full and complete report of all witness fees collected by them or received by them from their predecessors in office which have not been disbursed to the persons legally entitled thereto, and shall pay into the county treasury all such witness fees which have been collected by them or their predecessors more than two years preceding the making of said report. Said report shall show the amount and date of the collection, the name of the witness for whom collected, and the court, style of the cause, and date of its final termination, in which said fee was collected.

2. That all persons entitled to such witness fees shall present their claims for payment to the county treasurer within six years from the date of its collection by the clerk, by presenting the witness certificate, or by filing an affidavit showing its loss and his right and title to the same, and said treasurer upon such presentation, shall pay out of said funds to the person presenting said claim the amount shown to be due him by the report filed with him by the clerk. All claims, for witness fees, reported by the clerk and paid over to the county treasurer, shall be forever barred after six years, from the

time such fees are collected and subject to disbursement, and on the first day of January of each year the treasurer shall transfer from said fund and place in the general fund of the county all such fees in his hands which are shown by the clerk's report to have been collected and subject to disbursement for six years.

3. That all clerks of courts of record within this State upon the expiration of their several terms of office, shall pay over to their several successors in office all witness fees in their hands and which have been collected by them and which have not been paid into the county treasury under this act, and shall furnish such successor a full and complete statement showing the names of all witnesses for whom said fees were collected, the date of the collection, the amount due each of the witnesses, the court, the style of the cause, and the date of the final termination of the same, in which such fees were collected; that after such payment to their several successors in office, or to the county treasurer as the case may be, they shall be discharged from further liability in regard to all fees so paid over, either to their successors, or to the county treasurer.

And the substitute was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs. Speaker	Doyle (Marengo)	Mitchell
Altman	Edwards	Moore
Arnold	Fuller	McCrory
Avery	Garner	McMillan
Ballard (Autauga)	Haley	Parker
Ballard (Pike)	Henley	Peete
Barton	John	Pitts (Perry)
Benners	Johnson	Powell
Bulger	Jones	Pratt
Burney	Killen	Price
Cannon	Lawson	Pugh
Carmichael	Lee (Barbour)	Rainer
Cooper	Lee (Etowah)	Ratray
Cranford	Lee (Houston)	Rice
Crum	Long (Butler)	Rowe
Doyle (Clarke)	Mayfield	Rushton

Sanders	Tarrant	White (Lamar)
Seale	Tunstall	Williams (Barbour)
Sherrod	Vann	Williams (Lee)
Stollenwerck	Wittmeier	Woolf

—60

And the bill,

H. 68. To require all clerks of courts of record within this State to make annual reports to the State treasurer of all witness fees collected by them more than two years preceding the date of such report which have not been disbursed by them as provided by law, and to pay into the State treasury annually upon the submission of such report all witness fees collected by them for more than two years preceding the filing of such report, which have not been paid out to the persons lawfully entitled thereto; and to provide for the escheat to the State of all witness fees which have not been or shall not hereafter be claimed by the persons legally entitled thereto within six years from the date of the collection thereof, and to provide for the payment by all clerks of courts of record in this State to their several successors in office of witness fees in their hands at the time of the expiration of their several offices and to provide for the discharge of all liability on the part of such clerks upon the expiration of their several terms of office for all witness fees in their hands which shall be paid over to their several successors in office, or to the treasurer of the State of Alabama.

As amended by the substitute, was read a third time, at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs. Speaker	Bulger	Fuller
Altman	Carmichael	Garner
Arnold	Cooper	Glover
Arrington	Cranford	Haley
Avery	Crum	Henley
Ballard (Autauga)	Doyle (Clarke)	John
Ballard (Pike)	Doyle (Marengo)	Johnson
Baltzell	Dudley	Jones
Barton	Edwards	Lawson
Benners	Elrod	Lee (Barbour)

Lee (Etowah)	Powell	Smith (Elmore)
Lee (Houston)	Pratt	Stollenwerck
Long (Butler)	Price	Tarrant
Mayfield	Pugh	Tunstall
Mitchell	Rainer	Urquhart
Moore	Rattray	Vann
McCrory	Rice	White (Lamar)
McCurdy	Rowe	White (Perry)
McMillan	Rushton	Williams (Barbour)
Parker	Sample	Williams (Lee)
Peete	Sanders	Woolf
Pitts (Perry)	Sherrod	

—65

H. 210. To require courts of county commissioners and boards of revenue, in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money.

Was read a third time, at length, and passed.

Yeas, 49; nays, 12.

Yeas:

Messrs. Speaker	Gunter	Parker
Altman	Haley	Peete
Armstrong	Hughes	Pitts (Perry)
Arnold	Johnson	Pratt
Avery	Jones	Price
Ballard (Autauga)	Killen	Rainer
Ballard (Pike)	Lacy (Walker)	Rowe
Barton	Lawson	Seale
Benners	Lee (Barbour)	Sherrod
Bulger	Long (Butler)	Stollenwerck
Burney	Malone	Tarrant
Carmichael	Mastin	Turner
Cranford	Mayfield	Vann
Doyle (Marengo)	McCurdy	Wittmeier
Fuller	McMillan	White (Lamar)
Garner	Oliver	Williams (Lee)
Glover		

—49

Nays:

Messrs.

Cannon	Kirby	Sanders
Cooper	Mitchell	White (Perry)
Cunningham	McCrory	Sample
Elrod	Powell	Henley

—12

H. 90. To amend an act entitled "An act to amend an act to establish a State live stock sanitary board and the office of State veterinarian in order to further protect live stock from contagious and infectious diseases, and to provide for eradicating and excluding such diseases from this State, approved August 6th, 1907.

Was read a third time, at length, and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	John	Powell
Alford	Johnson	Price
Altman	Jones	Pugh
Arnold	King	Rainer
Avery	Kirby	Rowe
Ballard (Autauga)	Lacy (Walker)	Rushton
Baltzell	Lawson	Sanders
Benners	Lee (Barbour)	Sanford
Bulger	Lee (Etowah)	Sherrod
Burney	Long (Butler)	Smith (Elmore)
Carmichael	Malone	Stollenwerck
Cranford	Mastin	Tarrant
Crum	Mitchell	Turner
Cunningham	Moore	Urquhart
Doyle (Marengo)	McMillan	Vann
Edwards	Norville	Wittmeier
Elrod	Pearson	White (Lamar)
Gunter	Peete	Williams (Lee)
Henley	Pitts (Perry)	Woolf
Hughes		

—58

House bill 353 was, on motion of Mr. McMillan, indefinitely postponed.

H. 67. To amend sections 1, 5, 8, and 30 of an act entitled "An act to regulate railroads and other common carriers; to secure reasonable rates and adequate

service, and to prevent unjust discrimination in their public service, and prescribe penalties for the violation thereof, approved February 23, 1907.

Was read a third time, at length, and passed.

Yeas, 54; nays, 4.

Yeas:

Messrs. Speaker	Hoffman	Pratt
Altman	Hughes	Price
Arnold	John	Rowe
Avery	Johnson	Rushton
Ballard (Autauga)	Jones	Sample
Ballard (Pike)	King	Sanders
Benners	Kirby	Sanford
Bloch	Lee (Barbour)	Seale
Bulger	Lee (Etowah)	Sherrod
Burney	Long (Butler)	Smith (Elmore)
Carmichael	Malone	Smith (Lee)
Cooper	Mastin	Tarrant
Doyle (Marengo)	Mayfield	Urquhart
Edwards	Mitchell	Vann
Fuller	McCurdy	Wittmeier
Garner	Peete	White (Perry)
Glover	Pitts (Perry)	Williams (Lee)
Haley	Powell	Woolf

—54

Nays.

Messrs.

Ralner	White (Lamar)	Williams (Barbour)
Stollenwerck		

—4

H. 160. To regulate the procedure in the trial of cases wherein lands are sought to be condemned.

Was read a third time, at length, and passed.

Yeas, 70; nays, 0.

Yeas:

Messrs. Speaker	Baltzell	Carmichael
Altman	Barton	Cooper
Armstrong	Benners	Cranford
Arnold	Bloch	Cunningham
Avery	Bulger	Doyle (Clarke)
Ballard (Autauga)	Burney	Doyle (Marengo)
Ballard (Pike)	Cannon	Edwards

Fuller	Mayfield	Sample
Garner	Mitchell	Sanders
Haley	Moore	Sanford
Henley	McCrory	Seale
Hoffman	McCurdy	Sherrod
John	McMillan	Smith (Elmore)
Johnson	Pearson	Smith (Lee)
Jones	Peete	Stollenwerck
Killen	Pitts (Dallas)	Tarrant
King	Pitts (Perry)	Urquhart
Lacy (Dallas)	Pratt	Vann
Lacy (Walker)	Price	Wittmeier
Lawson	Pugh	White (Lamar)
Lee (Etowah)	Rainer	Williams (Barbour)
Long (Butler)	Rowe	Williams (Lee)
Malone	Rushton	Woolf
Mastin		

—70

H. 248. To provide for the return to the county whence committed, of all insane patients in the insane hospitals, who are incurably insane and harmless, and where the county has not made proper provision for caring for them, to require the county to pay for the maintenance of such patients.

Was taken up. On motion of Mr. John, the bill, H. 248, was postponed until next Tuesday and that said bill would not lose its place upon the calendar.

H. 52. To prohibit the casting, or throwing by blasting, or otherwise, of stone, earth, or pieces of wood, iron, ore of any kind, or other ponderable material, or thing, upon the premises of another; or into, or upon the public highways, or public places.

Was read a third time, at length, and passed.

Yeas, 43; nays, 21.

Yeas:

Messrs. Speaker	Bulger	Elrod
Altman	Burney	Garner
Armstrong	Cannon	Hughes
Avery	Carmichael	John
Ballard (Autauga)	Crum	Johnson
Benners	Doyle (Marengo)	Jones
Bloch	Edwards	Lacy (Walker)

Lawson	McMillan	Rushton
Lee (Barbour)	Pearson	Sample
Lee (Etowah)	Peete	Sanders
Lee (Houston)	Pitts (Perry)	Sherrod
Malone	Price	Smith (Lee)
Mitchell	Rainer	Turner
Moore	Rowe	White (Perry)
McCurdy		

—43

Nays:

Messrs.

Arrington	Killen	Smith (Elmore)
Cranford	Kirby	Stollenwerck
Cunningham	Long (Butler)	Tarrant
Glover	Mayfield	Tunstall
Haley	Parker	White (Lamar)
Hoffman	Powell	Williams (Barbour)
Jenkins	Pratt	Williams (Lee)

—21

On motion all House bills passed at the morning session today were ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bills your signature is requested:

S. 69. To amend sections 9, 14, 15 and 18 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon.

S. 56. To amend section 770 of the Code of Alabama, 1907.

J. A. KYLE, Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment :

S. 25. To provide for county inspector of apiaries ; to define their duties, and to provide for their compensation for the purpose of suppressing and avoiding of foul breed, or other contagious diseases among the bees or their hives in the State of Alabama.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows :

Agriculture, S. 25.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bill :

H. 110. To alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled Bills.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of 3 o'clock p. m. having arrived the House reconvened.

BILLS ON THIRD READING.

H. 325. To provide for the further protection of fish in Baldwin county, to prevent the taking or catching of fish in any lake, river, creek or bayou in said county, except with hook and line; and to provide a penalty for the same; to make it unlawful for any non-resident engaged in the business of commercial fishing to take fish in Baldwin county.

Was read a third time, at length, and passed.

Yeas, 63; nays, 1.

Yeas:

Messrs. Speaker	Cannon	Haley
Alford	Carmichael	Hoffman
Armstrong	Cranford	Jenkins
Arnold	Crum	John
Avery	Cunningham	Jones
Baltzell	Elrod	Killen
Barton	Fuller	King
Benners	Garner	Kirby
Bloch	Glover	Lacy (Walker)
Bulger	Gunter	Malone

Mastin	Pratt	Smith (Lee)
Mayfield	Price	Stollenwerck
Mitchell	Pugh	Tarrant
Moore	Rainer	Tunstall
McCrary	Ratray	Turner
McCurdy	Rice	Urquhart
McDuffie	Rowe	White (Lamar)
McMillan	Sanford	Williams (Barbour)
Parker	Seale	Williams (Lee)
Pearson	Sherrod	Woolf
Peete	Smith (Elmore)	

—63

Yeas:
Mr. Vann.

—1

H. 113. To vacate and annul the charter and dissolve the corporation of the city of Wylam.

Was read a third time, at length, and passed.

Yeas, 63; nays, 1.

Yeas:

Messrs. Speaker	Jenkins	Rainer
Alford	John	Ratray
Avery	Jones	Rice
Baltzell	Killen	Rowe
Barton	King	Rushton
Benners	Kirby	Sample
Bloch	Lacy (Walker)	Sanders
Bulger	Lawson	Sanford
Burney	Malone	Seale
Cannon	Mastin	Sherrod
Cunningham	Mayfield	Smith (Elmore)
Doyle (Clarke)	Mitchell	Smith (Lee)
Doyle (Marengo)	Moore	Stollenwerck
Elrod	McCrary	Tunstall
Fuller	McCurdy	Turner
Garner	McDuffie	Urquhart
Glover	McMillan	Vann
Haley	Norville	Wittmeier
Henley	Pratt	White (Lamar)
Hoffman	Price	Williams (Barbour)
Hughes	Pugh	Woolf

—63

Nays:

Mr. Tarrant.

—1

H. 119. To vacate and annul the charter and dissolve the corporation of the city of Ensley.

Was read a third time, at length, and passed.

Yeas, 63; nays, 2.

Yeas:

Messrs. Speaker	Glover	Pearson
Alford	Gunter	Pitts (Perry)
Altman	Haley	Pratt
Arnold	Henley	Price
Avery	Hughes	Pugh
Baltzell	Jenkins	Rainer
Barton	John	Rice
Benners	Jones	Rowe
Bloch	Killen	Sample
Bulger	King	Seale
Burney	Kirby	Stollenwerck
Cannon	Lawson	Tunstall
Carmichael	Lee (Barbour)	Turner
Cooper	Malone	Urquhart
Cranford	Mastin	Vann
Crum	Mitchell	Wittmeier
Doyle (Clarke)	Moore	White (Lamar)
Doyle (Marengo)	McCrary	White (Perry)
Elrod	McCurdy	Williams (Barbour)
Fuller	McDuffie	Williams (Lee)
Garner	Parker	Woolf

—63

Nays:

Messrs.

Peete

Tarrant

—2

RESOLUTIONS.

The following resolutions were introduced:
Rules Committee.

H. J. R. 79. Resolved by the House, the Senate concurring, That the House during today consider special

orders heretofore made and House bills and after today only Senate bills shall be considered, except H. 379.

Resolved, That the Senate during today shall consider special orders heretofore made and Senate bills and after today only House bills shall be considered.

Resolved, That the House and Senate remain in session Saturday.

And the resolution was adopted.

Mr. Hoffman introduced the following resolution:

By Mr. Hoffman.

H. R. 80. Be it resolved, That the Clerk of this House will report this afternoon the number of ornamental clerks in attendance upon committees of this Legislature; giving the total number of clerks employed, the committees to which they are assigned, their names, and the aggregate amount of pay and number of bills pending before each committee.

Further, that committees having five bills or less under consideration shall dispense with the services of a clerk.

Further, that the Clerk of the House shall furnish an estimate to this House of the cost of finishing the work of preparing the Journal of the House on time in order the same may be signed by midnight Saturday, Aug. 21.

Further, that this information be furnished the House by 8 o'clock p. m. this day.

And the resolution was referred to the committee on Rules.

RESOLUTION.

The following resolution was read a third time and adopted:

H. R. 28. Whereas, in the Federal Courts an "attorney's tax fee" of \$20.00 in each case, under the Federal law and rule of practice, is taxed and collected in favor of the attorney of the prevailing party-litigant, and whereas, there is doubt, the opinions of lawyers differing on the point, as to the proper disposition of such fee when disbursed to the Attorney General.

Therefore, be it resolved by the House, the Senate concurring, That whenever the Attorney General has received or may receive such "attorney's fee" of \$20.00 in a case in a Federal Court, it is to be retained by him and shall not be construed as included among the fees to which he is entitled under the law of Alabama, and which are required by law, to be paid into the State treasury.

And ordered sent forthwith to the Senate .

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills:

H. 349. To refund to municipal corporations of Alabama the tax paid by such corporations for recording mortgages and deeds of trust securing the bonds issued by such municipal corporation.

H. 345. To authorize the tax collectors of the State to pay over funds collected by them under special, general or local laws which have been repealed or the levy declared null and void.

H. 307. To repeal an act entitled an act "To provide a road law for the county of Marengo, and to enforce the same," approved February 26, 1907.

H. 137. To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintenance of structures for the public convenience on such vacated portions of streets.

And has amended, by way of a substitute, as therein shown and as thus amended has passed

H. 202. To create and establish the Marengo law and equity court for Marengo county.

And has amended as therein shown, and as amended has passed,

H. 182. To encourage a better system of agriculture in this State.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Woolf the House concurred in the Senate amendment to the bill H. 202, said Senate amendment being as follows:

A bill to be entitled an act to create and establish the Marengo law and equity court for Marengo county.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby created and established in and for the county of Marengo, in the State of Alabama, an inferior court of law and equity, which shall be a court of record, and shall be known as and called the Marengo law and equity court. That said court shall be invested with, and shall have and exercise, all the jurisdiction and powers which are now, or which may hereafter be, conferred by law upon the several circuit and chancery courts of this State. When exercising the jurisdiction and powers of the circuit court, it shall conform to the rules of practice and procedure in the circuit courts of the State; and when exercising the jurisdiction and powers of the chancery court, it shall conform to the rules of practice and procedure of the chancery courts of the State, except in cases where such rules of practice and procedure in said circuit and chancery courts are changed by the provision or under the authority of this act. And, provided, that the judge of this court shall have the power and authority to make and adopt such rules of practice and procedure for this court, not inconsistent with the provisions of this act, as in his opinion may be required and necessary for an expeditious dispatch of the business of said court, and for a proper system of practice and procedure in said court, and may amend or annul the same as may be expedient; and such rules of practice and procedure shall be entered on the minutes of said court, and shall be subject to revision, change or annulment by the Supreme Court of this State.

Section 2. That there shall be a judge of and for said Marengo law and equity court, who shall be appointed by the Governor of Alabama within ten days after the

approval of this act, whose term of office shall begin immediately upon the issuance of his commission, and shall continue until the first day of January, 1911, and until his successor is elected and qualified. At the general election in November, 1910, and every six years thereafter, the judge of and for said court shall be elected by the qualified voters of Marengo county; and the judge so elected shall hold office for six years, commencing on the first day of January, following his election, and until his successor is elected and qualified. The judge of the court herein provided for shall take the oath of office prescribed by law before entering upon any of the duties pertaining to his office, and he may be impeached or removed from office for the same causes, by the same tribunals, and in the same manner as judges of the circuit courts of this State. The said judge of said court shall have and exercise all the authority, jurisdiction and powers which are now, or may be hereafter, lawfully exercised by judges of the circuit courts and chancellors of the chancery courts of this State, including power and authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, superse-deas, ne exeat, and all other writs which are now or may hereafter be, lawfully issued by the said judges of said circuit courts and chancellors of said chancery courts of this State, returnable to any court within the State. The judge of said court shall have been a citizen of the United States and of the State of Alabama for a period of five years, and a citizen of the county of Marengo for a period of two years next preceding his election, and shall be not less than twenty-five years of age, and shall be learned in the law; and at the time of his election and during his continuance in office he shall reside in Marengo county. Vacancies in the office of judge of said court shall be filled by appointment by the Governor, and the appointee shall hold his office until the next **general election** for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified. The said judge

of said court shall be commissioned as the circuit judges in this State are commissioned and shall take the oath of office prescribed by law. If in any case, civil or criminal, pending in this said court, the presiding judge thereof, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person practicing in the court and learned in the law, to act as a special judge to sit as a court, and to hear, decide, and render judgment in the same manner and to the same effect as such incompetent judge could have rendered but for such incompetency. If the case be a civil one, and the parties or attorneys of record, do not agree; or if it be a criminal one, and the prosecuting officer and the defendant or defendants do not agree upon a special judge, or if either party in a civil cause is not represented in court, the register in chancery or the clerk of said court, shall appoint a special judge, who shall preside, try and render judgment as herein provided. Provided, that if the clerk or register of said court shall certify to the Governor that the judge of said court will be absent or disqualified or unable to hold said court for the period of more than two days, then the Governor shall appoint a resident practicing attorney of said court to act and perform the duties of judge of said court until the said judge of said court shall resume his duties; and while so acting such special judge shall have and exercise all the authority, jurisdiction and powers, in all respects, the same as the judge of said court, and such special judge shall receive as compensation for services for each day he is engaged in holding said court the same compensation as is allowed to special judges in the circuit courts of this State, which shall be paid in the same manner and out of the same fund as special judges in the circuit courts of this State are paid.

Section 3. That the salary of the judge of said Marenco law and equity court shall be two thousand dollars per annum, payable in the same manner and out of

the same funds as the salaries of judges of the circuit courts of this State are paid, computing the term of said judge to begin from the date of the issuance of his commission.

Section 4. That there shall be a solicitor of and for said Marengo law and equity court, who shall be appointed by the Governor of Alabama within ten days after the approval of this act, whose term of office shall be four years from the date of his appointment, and in like manner such solicitor's successor shall be appointed by the Governor every four years thereafter. And the solicitor so appointed by the Governor shall take the oath of office prescribed by law before entering upon the discharge of any of the duties pertaining to his office, and may be impeached or removed from office for the same causes, in the same manner, and by the same tribunals as circuit solicitors are impeached or removed from office, and he shall be charged with the performance of the same duties in said court, and be subject and liable to the same penalties and liabilities in respect thereto, as by law are imposed upon circuit solicitors in like cases in the circuit courts of this State; and said solicitor shall not be allowed to represent any defendant in a criminal case in any of the courts of Marengo county during his continuance in office, nor shall any law partner of said solicitor defend any criminal case in any of the courts of Marengo county. Vacancies in the office of solicitor of said court shall be filled by appointment of the Governor of Alabama, and such appointee shall hold office for the unexpired portion of his predecessor's term, and until his successor is appointed and qualified.

Section 5. That the solicitor of and for said Marengo law and equity court shall receive a salary of twelve hundred dollars per annum as compensation for his services, said salary to be paid monthly out of the Marengo law and equity court fine and forfeiture fund hereinafter provided for, upon his order drawn on the treasurer of Marengo county, computing his term of office to date from the date of the issuance of his commission; and said salary shall be a preferred claim against said fund.

Section 6. That the clerk of the circuit court of Marengo county shall be ex-officio clerk of the Marengo law and equity court on the law side of its docket, and shall have all the powers and shall be required to perform all the duties, and shall be subject to all the penalties and liabilities in said court, as are imposed on and required of him in like cases in said circuit court; and he shall be entitled to the same fees for services in said court as he is entitled to for like services in the circuit court, as are now, or hereafter may be, allowed by law to the clerk of said circuit court. The judge of said court shall adopt a seal for the law side of the docket of the Marengo law and equity court, which shall be kept in the custody and control of said clerk. The clerk of this court shall have power and authority to grant all orders and do all things during term time of said court which the clerks of the circuit courts of the State may do in term time or vacation.

Section 7. That the register of the chancery court of Marengo county shall be ex-officio register of the Marengo law and equity court on the equity side of its docket, and shall have all the powers and be required to perform all the duties, and be subject to all the liabilities and penalties in said court as are imposed on and required of him in like cases in the chancery court; and said register shall be entitled to the same fees for services in the said court as he is entitled to in the chancery court, as are now, or hereafter may be, allowed by law to the registers of the chancery courts in this State. The judge of said court shall adopt a seal for the equity side of the Marengo law and equity court, which shall be kept in the custody and control of said register. And said register of said court shall have power and authority to grant all orders and do all things during term time of said court which the registers of the chancery courts may do in term time or vacation. Provided, that said register, if a lawyer and otherwise qualified to practice law, may practice on the law side of said court but not on the equity side.

Section 8. That the said clerk of the circuit court and the said register of the chancery court, who are respectively ex-officio clerk and register of said Marengo law

and equity court, may keep an office in the city of Demopolis, in the northern division of said court, and may appoint and keep a deputy in said office, who shall have charge of said office and keep the same open during regular business hours for the transaction of such business as may properly come before the clerk and register of said court; and the said deputy so appointed by the clerk and register of said court, respectively, shall have the same power and authority as said register and clerk, and may grant all orders and do all things, in the name of said clerk and register, as they could or should do in person, and shall be subject to the same duties and penalties as such clerk and register. Provided, that said clerk and register may, if they desire, appoint one and the same person to act as their deputy, but they are not required to do so.

Section 9. That there shall be two terms of said Marengo law and equity court during each year. The first term of said court shall begin on the first Monday in September, 1909, and continue until the first Monday in January, 1910; and, thereafter, beginning with the first Monday in January, 1910, the regular terms of said court shall be as follows: The first term shall begin on the first Monday in January of each year and shall continue until the first Monday in July following; and the second term shall begin on the first Monday in July in each year, and shall continue until the first Monday in January following; provided, that during the regular terms of said court the judge thereof may adjourn the court and take such recesses from time to time as to him may seem proper.

Section 10. That there shall be two divisions of said Marengo law and equity court, to be known as the "Northern Division" and the "Southern Division," respectively. That the "Northern Division" of said court shall embrace that portion of the territory of Marengo county included within the following precincts of said county as now organized, to-wit: Macon Precinct, Demopolis Precinct, Old Spring Hill Precinct, Dayton Precinct and Faunsdale Precinct. The "Southern Division" of said court shall embrace all the territory of

Marengo county as now organized that is not embraced and included in the "Northern Division" of said court, as above set out. Court shall be held in the "Southern Division" of said court at the court house in the town of Linden; and court shall be held in the Northern Division of said court in the city of Demopolis, in Demopolis precinct, at such place therein as the judge of said court may designate and select, provided, that the city of Demopolis must provide and furnish, without cost and expense to Marengo county, suitable and necessary buildings in which to hold said court, and for the safe keeping of the prisoners and the records of said court and the necessary offices for the officers of said court.

Section 11. All actions, except actions for the recovery of land, or the possession thereof, or for a trespass thereto, must be brought in the division of said Marengo law and equity court in which the defendant, or one of the defendants, resides, if such defendant has within either division of said court a permanent residence: all actions for the recovery of land, or the possession thereof, or for a trespass thereto, must be brought in the division of said court in which the land lies; and a foreign or domestic corporation may be sued in either division of said court where it does business by agent. A summons issuing contrary to the provisions of this section shall be abated on the plea of the defendant.

Section 12. That the judge of said Marengo law and equity court shall be required to hold court in the "Southern Division" of said court once during each month, except during the months of May and November, commencing on the first Monday of each month and continuing until the business of the court is disposed of: provided, that he shall not be required to hold court longer than two weeks during any one of the said months, except during the months of February and September, during which months court may be held for four weeks, if the business of the court require, and in the opinion of the presiding judge it is necessary. And that the judge of said Marengo law and equity court shall be required to hold court in the "Northern Division" of said court once during each month, except dur-

ing the months of February, May, September and November, commencing on the third Monday in each month; provided, that he shall not be required to hold court longer than two weeks during any one month. And provided further, that no jury terms of said court shall be held in the "Northern Division" of said court, but shall be held at the court house, in the town of Linden, and all cases arising or brought in the "Northern Division" of said court, wherein jury trials are required or demanded, shall be tried by jury at the said court house in the town of Linden; but nothing herein contained shall be deemed or taken to prevent settling of all pleadings and the making up of the issues in cases arising or brought in the "Northern Division" of said court at Demopolis, wherein jury trials are required or demanded.

Section 13. That there shall be a grand jury for each term of said court, which shall be impanelled on the first Monday in September, and on the first Monday in February, of each year, and shall continue in session until the business coming before it shall be disposed of, and such grand juries shall have power and authority, and it shall be their duty to investigate all matters and make all recommendations which grand juries of the circuit courts have authority to do or make. The judge of said court shall have authority whenever he shall deem it expedient, after any grand jury has been discharged, and before the summoning of the next succeeding grand jury, to be caused to be entered on the minutes an order requiring the sheriff to re-summon the persons who have last served as grand jurors in said court, which order the sheriff must immediately execute, and the persons summoned must attend and serve as grand jurors, and from the persons so attending, with such others as may be necessary to supply any deficiency (to be summoned and drawn as in other cases) a special grand jury must be organized, sworn and charged as in other cases, and it shall be the duty of such special grand jury to investigate such offenses as may be brought to their attention and proceed thereon as the regular grand jury. There shall be petit jurors for the

trial of causes in said court, who shall be drawn, summoned and impanelled in the same manner as is now, or may be hereafter, provided by law for drawing and impanelling petit jurors for the circuit court of Marengo county; and venirees for grand and petit jurors shall be issued not less than twenty days before the day upon which said jurors are drawn to serve, and in the same manner as they are issued in and for said circuit court of Marengo county. And the judge of said Marengo law and equity court shall have the same power and authority as the judge of the circuit court to order special venirees, and to summon, swear and impanel tales jurors; provided, that the judge of said Marengo law and equity court shall have the power and authority to direct for what week or weeks of the term petit jurors shall be summoned, and direct which of the jury weeks of any term shall be devoted to the trial of civil, and which to the trial of criminal cases, and may direct any jury case to be heard during any week of said court. And whenever any trial is commenced before a jury, and cannot be completed during the week in which the same was commenced, then such trial shall be continued into the next week, and until the case is ended; provided, the juries for the trial of capital cases shall be drawn, summoned and impanelled, as is now, or may hereafter be, provided for by law for drawing, summoning and impanelling juries for the trial of capital cases in the circuit court of Marengo county. All laws relating to the qualifications, competency, exemptions, objections to, challenging, drawing, summoning, organizing, swearing and arranging of grand and petit juries, talesmen, special petit juries in capital cases, and special grand and petit juries and regular juries at special terms, and all laws relating to indictments, excusing jurors, objections to jurors, grand and petit juries, and to the organization of grand and petit juries, and to proceedings against defaulting jurors, applying to the circuit court of Marengo county, shall apply to this said court as far as practicable and not in conflict with the provisions of this act. The board of jury commissioners of Marengo county is hereby made the jury commission for this said

court, and said board of jury commissioners are hereby required, and it is hereby made their duty, to draw the necessary grand and petit juries for this said court, as is herein provided for, and to do and perform all things necessary and proper in the matter of drawing juries for this said court, except as is now or may hereafter be otherwise provided by law. There shall be at least two grand and petit jury terms of said court, the first to begin on the first Monday in February of each year, and may continue four weeks; and the second shall begin on the first Monday in September of each year, and may continue four weeks; provided, that the first grand and petit jury term of said court shall be held on the first Monday in October, 1909, and may continue four weeks. And it shall be the duty of the jury commission, charged with drawing juries for this said court, to meet at the court house in Linden on the first Monday in January, and on the first Monday in August of each year, and draw the necessary grand and petit juries for the jury term of said court next following the day on which meeting is had, that is to say: At the meeting to be held in January, the juries for the jury term to be held in the February following shall be drawn; and at the meeting to be held in August, the juries for the jury term to be held in the September following shall be drawn; provided, that the first meeting of said jury commission for the purpose of drawing juries for said court shall be held on the first Monday in September, 1909, at which time the grand and petit juries for the jury term to be held in October, 1909, shall be drawn. But nothing herein contained shall prevent the judge of said court from holding special jury terms of said court, or prevent said judge from dispensing with juries drawn for any regular term of said court, when in his opinion the public good requires. All jury terms of said court shall be held and all causes in which a jury trial is required or demanded (whether brought in the Northern Division or in the Southern Division of said court) shall be tried at the court house at Linden; provided that in all cases brought in the Northern Division of said court, in which a jury trial is required or

demand, the pleadings shall be settled and the issues made up before the judge in chambers at Demopolis.

Section 14. That in cases of misdemeanors the judge of said Marengo law and equity court shall try the law and the facts without a jury, except when trial by jury is demanded by the defendant, in writing, filed with the clerk of said court, on his first appearance before the judge of said court; and in the event a trial by jury is so demanded, it shall be the duty of the judge to require the defendant to enter into bond with good and sufficient sureties, in such sum as said judge shall fix, conditioned for his appearance at the next term of said court at which a jury will be impanelled, unless he elect in the meantime to perform hard labor for the county, as provided by law; and a failure of the defendant to demand a jury trial on his first appearance before the judge of said court, as herein provided, shall be deemed and held to be a waiver of the right to trial by jury.

Section 15. That the sheriff of Marengo county shall be in person, or by deputy, required to attend said Marengo law and equity court, preserve order and to execute his processes, and perform such other duties, in all respects as in the circuit and chancery courts of this State; and he shall furnish all such other subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do under the laws governing him as an officer of the circuit and chancery courts of the State. Said sheriff and his legally appointed deputies shall have all the powers, and shall perform all the duties, and do all the things during term time of said court that sheriffs and their deputies in this State may do in term time or vacation.

Section 16. That all records, books, papers, and files relating to or pertaining to the Northern Division of said court may be kept by the clerk, register and sheriff of said court in the city of Demopolis in some proper and secure place or at the court house at Linden; and all records, books, papers and files relating or pertaining to the Southern Division of said court shall be kept in the court house at Linden.

Section 17. That whenever, for any cause whatsoever, a grand or petit jury shall be quashed in the Marengo law and equity court, or have failed to be drawn and summoned, or, if drawn and summoned, shall fail to attend, the court may forthwith order the sheriff to summon from the qualified residents of the county a jury or juries to serve at any time which may be specified or ordered by the court; and such jury so summoned and impanelled shall be competent and valid to try all cases pending in said court, and to perform all jury duties, as if said juries had been regularly drawn and summoned for said court.

Section 18. That sales of real estate made under process issuing out of said Marengo law and equity court may be made on any day of the week or month, except Sunday; provided that all sales under process issued out of the Southern Division of said court shall be made in front of the court house door in Linden, and all sales under process issued out of the said Northern Division of said court shall be made in front of the postoffice door in the city of Demopolis. The same notices of sale must be given as in like cases in the circuit and chancery courts of this State.

Section 19. That, except as otherwise provided herein, when a person has been indicted in said Marengo law and equity court, the circuit court shall not entertain jurisdiction of said case, and when such indictment has been found in the circuit court, the said Marengo law and equity court shall not entertain jurisdiction of such case, except upon the transfer thereof into said court as herein provided for; it shall be the duty of the solicitor of the said Marengo law and equity court to notify the circuit solicitor of all indictments and prosecutions commenced or pending in said Marengo law and equity court.

Section 20. That any person charged with the commission of a misdemeanor may be tried by the Marengo law and equity court upon information, and the proceedings in such cases shall be the same as now provided by law for trials upon information in the county courts under the general laws of the State; provided,

that the clerk of said court, and his deputies shall have, and they are hereby given, the right, power and authority to take and receive complaints and affidavits, and issue warrants of arrest, the same in all respects as the judge of said court may do, and as the judges of the county courts are authorized to do, and all such warrants of arrest shall be made returnable into and before the Marengo law and equity court. And it is hereby made the duty of the clerk of said court and his deputies, when applied to, to issue a warrant of arrest as herein provided for, and before issuing the same to consult the solicitor of said court, or his assistant, if either of them be present or accessible, in order to ascertain if the facts deposed to justify the issuance of the warrant of arrest. Appeals may be taken from convictions in said court under this section directly to the Supreme Court in the same way and in the same cases as such appeals are taken thereto from judgments of conviction in the circuit court of Marengo county. Any person prosecuted under this section may, if he desires a trial by jury, demand the same in writing, filed with the clerk of said court, on his first appearance before the judge of said court, and it shall then be the duty of said judge to require him to enter into bond with good and sufficient sureties, in such sum as the said judge shall fix, conditioned for his appearance at the next term of said court at which a jury will be impanelled, unless he elect in the meantime to perform hard labor for the county as provided by law. It shall be the duty of the solicitor of said court to represent the State in all prosecutions under this section. The failure of the defendant to demand a jury trial on his first appearance before the judge of said court, as herein provided, shall be deemed and held to be a waiver of the right of a trial by jury.

Section 21. The fees of officers of the Marengo law and equity court for services rendered (except the salaries of the judge and solicitor) and the compensation of jurors and witnesses therein, shall be the same as are now, or hereafter may be, allowed for like services in circuit and chancery courts of Marengo county, and shall be paid out of the Marengo law and equity court

fine and forfeiture fund hereinafter provided for; provided, that all witnesses attending said court must prove their attendance within five days after the trial of the cause in which they were subpoenaed or called to testify, otherwise their fees shall not be taxed as costs, nor shall they be recoverable against any party. And such officers and witnesses shall be subject to the same penalties and liabilities as when acting and attending under authority of the circuit and chancery courts of this State. The fees of bailiffs in said court, as well as all fees in criminal cases in said court, due the clerk, sheriff and State witnesses, which become fine and forfeiture claims under the general law of the State, shall be registered against the Marengo law and equity court fine and forfeiture fund, within the time and in the manner now prescribed for the registering of claims against the fine and forfeiture fund in the circuit court of Marengo county, and shall be paid for only out of the Marengo law and equity court fine and forfeiture fund according to the order in which the same shall have been registered. And the expenses of said Marengo law and equity court shall be paid out of the said Marengo law and equity court fine and forfeiture fund in the same manner and on the same terms and conditions as the expenses of the circuit court of Marengo county are paid; provided, this section shall not apply to the payment of the compensation of grand and petit jurors in said court, and said grand and petit jurors shall be paid out of the general fund of Marengo county in the same manner and on the same conditions as grand and petit jurors of the circuit court of said county are paid.

Section 22. That in all civil cases at law commenced in said Marengo law and equity court by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint within twenty days after service of said summons and complaint upon them, whether such service be in term time or vacation; and in all cases at law commenced by attachment, the plaintiff must file his complaint within ten days after suing out the attachment, and the defendant must appear and demur, plead or file his motion thereto with-

in twenty days after levy of the attachment and notice thereof given in writing to him as required by law in attachment cases in the circuit court; or in case the action is against a non-resident or other person upon whom service may be had by publication, within twenty days after service has been perfected by publication; and in all other cases at law the defendant must appear and plead or demur within twenty days after perfection of service upon him; and in all cases at law, if the defendant shall fail for twenty days after the perfection of service upon him, to appear and plead or demur, he shall be held to be in default, and at any time thereafter a judgment by default may be entered against him on motion of the plaintiff; provided, however, that the court may, for good and sufficient cause shown, allow such judgment so obtained by default to be set aside, and demurrers or pleas to be filed on such terms as the court may impose; provided, that no application to set aside such judgment by default, unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court, unless said application be accompanied by affidavit made by the defendant, his agent or attorney, to the effect that in the honest belief of affiant the defendant has a meritorious defense to the action. All motions to set aside judgments by default must be filed within thirty days after the rendition of such judgment.

Section 23. That all garnishments issued out of the Marengo law and equity court shall require an answer thereto within twenty days after service thereof; and upon failure of any garnishee to make an answer to the writ of garnishment within twenty days after service of same upon him, a judgment nisi may be entered against such garnishee on motion of the plaintiff, if the plaintiff be otherwise entitled to a judgment nisi; and unless otherwise ordered by the court, all citations, rules, orders, writs of scire facias and notices of any kind issuing out of said court shall require the party against whom issued to appear, and plead, demur or answer thereto within twenty days after service thereof, or the perfection of service thereof by publication;

and all cases at law whether begun by summons and complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance and pleading of the defendant thereto, or if the defendant does not appear within the said twenty days herein prescribed, then at the termination of said twenty days.

Section 24. That in all civil cases at law in said Maringo law and equity court the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he enters an appearance therein, or by any other party interested in such suit at the time of his appearance; and such demand for a jury must be made by the plaintiff or the person occupying the position of plaintiff by endorsing said demand upon the summons and complaint, attachment, petition, claim or other paper filed by him for the purpose of instituting the suit, or when he intervenes without suing out process, upon the pleading or paper filed by him for the purpose of presenting his claim or right in such suit; and such demand for a jury made by the defendant or other party occupying the position of a defendant, including garnishees, by endorsing such demand upon the demurrer, plea, answer or other paper first filed in the case by him; and when a case is transferred from the circuit court to this said court, it shall be tried by the court without a jury, unless at the time application is made for such transfer, a demand for trial by jury be made in writing and filed in the case; and said court shall without a jury, try all cases brought to said court by appeal or certiorari from justices of the peace and other inferior courts, unless a demand for trial by jury be made in writing and filed in the case by the appellant at the time he sues out such appeal and certiorari or the same is granted, or by the appellee within ten days after he had been served with notice of the granting of such appeal or certiorari; and any failure to demand a trial by jury as herein prescribed and directed shall be deemed and taken as a waiver of the right to have a trial by jury. Provided, that when a case has been tried by the

court without a jury and a new trial has been granted by the court, or the case has been reversed and remanded on an appeal to the Supreme Court, either party may demand a trial by jury, and such demand being made not later than the first sounding of the docket containing said case thereafter. In all cases tried by the court without a jury, the court shall make a special finding of the facts therein, if so requested by a party to such cause at the time the trial is entered upon, and shall reduce such special finding to writing and file same in said case; and upon an appeal to the Supreme Court such special finding shall have no greater weight than other findings of said court made under the provisions of this act.

Section 25. That in the trial of any case without a jury in said Marengo law and equity court, in addition to the questions which may be under existing laws presented to the Supreme Court for review, either party may also file by bill of exceptions present for review in said court the conclusions and judgments of said court on the evidence, and the same shall be reviewed by said Supreme Court without the indulgence of any presumption in favor of the court below upon the evidence, and if there be error, said Supreme Court shall render such judgment in the case as the court below should have rendered, or shall reverse and remand the cause for further proceedings as to said Supreme Court may seem right and proper.

Section 26. That in all civil cases at law in the said Marengo law and equity court, the judge thereof may set down any case for hearing on the pleadings alone, and render judgment thereon in term time or during vacation, and from such judgment or ruling on the pleadings an appeal shall lie to the Supreme Court, to be taken within thirty days after such judgment or ruling is rendered or made; but nothing herein contained shall prevent such judgment from being assigned as error upon an appeal taken to said court after the final determination of said case, if an appeal shall not have been taken under this section.

Section 27. That all misdemeanors returned by municipal, justices of the peace or other inferior courts, or

appeals from such courts, to the said Marengo law and equity court shall be tried upon the complaint of the solicitor of said court filed in such cases, which complaint shall be in the form substantially as now required by law of circuit solicitors, and which complaints shall be subject to amendment.

Section 28. That the Supreme Court shall have appellate and supervisory jurisdiction over said Marengo law and equity court, and cases at law and in equity may be appealed or removed to said court in the same manner and under the same rules and regulations, not herein otherwise provided, as cases are appealed or removed thereto from the circuit and chancery courts of the State, and the appellate or supervisory jurisdiction of said Supreme Court over the Marengo law and equity court shall be exercised over said court and the judgments thereof in the same manner as in like cases over the said circuit and chancery courts and the judges and chancellors thereof, provided, that no appeal can be taken from said Marengo law and equity court to either the circuit or chancery court of Marengo county.

Section 29. That all original and mesne processes issued out of said Marengo law and equity court shall be executed instanter, and, unless otherwise provided by law, all such original and mesne processes, including notices, citations and writs of sciere facias, shall be returnable immediately upon the execution thereof by the proper officers; and all executions and writs of fiere facias, writs of possession and other like writs shall be returnable ninety days after the issuance thereof.

Section 30. That all the civil cases brought by appeal or certiorari from municipal, justices of the peace or other inferior courts to the Marengo law and equity court shall stand for trial when reached on the regular call of the docket at any time after twenty days notice of the taking of the appeal shall have been given to the appellee as required by law.

Section 31. That final judgments and decrees rendered in said Marengo law and equity court shall, after the expiration of thirty days from their rendition, be completely beyond the control of said court, as if the term

at which they were rendered had ended and expired at the termination of thirty days; provided, that nothing herein contained shall prevent parties from applying for new trials and rehearings within said thirty days, or destroy or change the effect of motions for new trials or rehearings when so made, or shall prevent parties from applying to said court for a rehearing under the statutes authorizing applications for rehearings in the circuit courts of the State, or shall prevent said court from retrying any case under section 5371 of the Code of 1907, or shall prevent said court from exercising any power or jurisdiction conferred upon the circuit and chancery courts touching final judgments and decrees.

Section 32. That the venue in any cause in said Marengo law and equity court may be changed to another than Marengo county under the same rules, regulations and conditions in the same cases and in the same manner, as changes of venue are had in the circuit courts of this State, and shall be governed in all respects by the same laws which govern in such matters in the said circuit courts.

Section 33. That appeals may be taken to said Marengo law and equity court from any municipal court, justice of the peace court, or other inferior courts of Marengo county, in all cases where and when appeals could be taken under the law now or hereafter existing from such courts to the circuit courts, and they shall be taken in the same manner; and mayors and intendents of municipal courts, justices of the peace and notaries public ex-officio justices of the peace and judges of any inferior courts in Marengo county may bind any defendant over to the Marengo law and equity court to appear and answer any indictment for any charge to be preferred by any grand jury of said court, in the same cases and in the same manner as such officers now bind such defendants over to the circuit court.

Section 34. That the judge of said Marengo law and equity court may cause to be drawn, summoned, sworn, and impanelled grand or petit juries for said court when petitioned in writing by a majority of the attorneys practicing in said court, or when in his opinion the docket or the public good may require it.

Section 35. That if the judge of the said Marengo law and equity court shall fail to attend the commencement of any term of said court, or the term of said court should not begin on the day provided for the commencement thereof from any cause whatsoever, the said court shall stand adjourned from day to day until the judge thereof, or special judge herein provided for, does attend, or until such cause be removed.

Section 36. That the solicitor of said Marengo law and equity court may appoint and have an assistant solicitor, who shall have the same authority and perform the same duties and be subject to the same penalties as the solicitor of said court, provided, that the compensation of said assistant solicitor shall be paid by the solicitor out of the salary allowed to him under the provisions of this act, and said assistant solicitor shall not be entitled to receive any other compensation out of the solicitor's fees accruing in said court, and if the solicitor of said court, or his assistant solicitor shall fail to attend and prosecute any cause in said court which he is herein required to prosecute, or for any cause be disqualified to prosecute any case, the judge presiding in said court shall appoint a solicitor pro tem, who shall perform all the duties of the solicitor of said court during such solicitor's absence or disqualification, and such appointee solicitor shall receive as compensation for his services five dollars per day for each day that he may be engaged in the performance of the duties of solicitor, said sum to be paid out of the Marengo law and equity court fine and forfeiture fund, herein provided for on his order.

Section 37. Chapter fifty-nine (59) of the Code of 1907, relating to bills of exceptions is hereby adopted and made a part of this act.

Section 38. That all criminal cases now or hereafter pending in the county or circuit courts of Marengo county, may, on the agreement of the defendant or his attorney of record and the solicitor of the county or circuit court, be transferred to the said Marengo law and equity court for trial, and said cases shall be placed on the docket of the division of said court wherein the of-

fense charged was committed; and that all civil cases now or hereafter pending in the circuit and chancery courts of Marengo county, may, on agreement of all parties thereto or their attorneys of record, be transferred to said court for trial. All the agreements herein provided for must be in writing and must be filed with the clerk of the circuit court or the register of the chancery court, respectively, as the case may be, whereupon such officers must certify and transfer such cases to the proper docket of said court, and must file therein all original papers in said cases, together with certified copies of all docket and minute entries in said cases, whereupon said Marengo law and equity court shall acquire and have exclusive jurisdiction of and over all such transferred cases.

Section 39. That after the expiration of ten days from the rendition of any judgment or decree in said Marengo law and equity court, unless such decree or judgment shall otherwise direct, the clerk or register of said court as the case may be, unless ordered in writing entered upon his order book to be kept by him for such purposes, not to do so by any plaintiff or complainant or other person entitled to its issuance, or their attorneys of record, shall issue execution in term time or vacation on such judgment or decree returnable within ninety days after its date, and in like manner upon an order to do so, said register shall execute any order or decree of sale of real estate or personal property for which a decree has been rendered in equity in said court, after complying with the rules governing registers in the chancery courts of the State for the sale of real estate and personal property so far as the same may be applicable to this court; provided, that nothing herein contained shall prevent any party from making affidavit and having execution issued immediately as provided by law; and provided, further, that nothing herein contained shall prevent the superseding of an execution after the issuance of the same upon complying with the law governing the superseding of executions issued out of the circuit courts of the State.

Section 40. That there is hereby created and established in the treasury of Marengo county, and the treasurer of Marengo county is hereby required to keep a separate fund to be known and designated as the Marengo law and equity court fine and forfeiture fund, which must be kept separate and apart from the other funds of said county; and all funds shall be placed to the credit thereof and shall be used and paid out in the manner and for the purpose herein designated and specified, and in no other manner and for no other purpose.

Section 41. That all fines and forfeitures accruing in said Marengo law and equity court shall be payable in money only and shall be collected in the same manner as fines and forfeitures are collected in the circuit court of Marengo county and shall be paid to the clerk and register of said court, as the case may be, and shall be paid by them to the said treasurer of said county; and said fines and forfeitures of the Marengo law and equity court, together with Marengo county's portion of the hire of convicts hereinafter sentenced by said court to hard labor for the county and received by said treasurer of Marengo county for the hire of said convicts, shall be placed to the credit of said Marengo law and equity court fine and forfeiture fund, and said clerk and register shall make reports quarterly on the first day of July, October, January and April of each year, commencing on the first day of October, 1909, which said report shall be made in writing, under oath, to the judge of said court and to the treasurer of Marengo county, and said report shall show the number of convictions, the names of the persons convicted, and the offense for which convicted, the fine and sentence imposed, the number of forfeitures taken, against whom and the amount thereof, together with the names of the parties plaintiff and defendant in civil cases at law and in equity, and the names of the defendants in criminal cases, and the amount of solicitor's fees taxed, together with the amount and items in each case and the name of each defendant and the disbursement of said solicitor's fees which may have been made and accrued in said court during the preceding quarter, and shall at

such time pay over to the treasurer of Marengo county all such moneys coming from any of the above mentioned sources which shall remain in their hands and all such moneys shall be placed by said treasurer to the credit of said Marengo law and equity court fine and forfeiture fund.

Section 42. That upon the appearance of any defendant in civil cases commenced in said Marengo law and equity court by summons and complaint, or attachment, or which has been transferred into said court from the circuit or chancery court, or which has been brought into said court by appeal, certiorari, or otherwise, said case shall be set down for hearing and settling of the pleadings in said case, and after the pleadings shall have been settled such case must be tried upon the issue which has been made and formed therein; provided, that the presiding judge may allow amendments to the complaint or other pleadings, after the same has been settled, when in his opinion the ends of justice require it.

Section 43. That it shall be the duty of the clerk and the register of said Marengo law and equity court to procure the necessary and suitable books, records, files, stationery and furniture for said court and for the preservation of the books, records and files pertaining to the causes on their respective sides of the dockets of said court, to be paid for out of the said Marengo law and equity court fine and forfeiture fund, herein provided for, on their respective orders as provided by law, and after the same have been approved by the board of county commissioners of Marengo county.

Section 44. That all laws of a general nature now or hereafter in force in this State giving jurisdiction to the circuit, chancery and city courts shall be deemed and held to extend and apply to the said Marengo law and equity court, although said court may not be therein mentioned or referred to, unless the contrary shall be expressly provided in such law, or unless such law be in conflict with the provisions of this act, or the rules of procedure and practice which the judge of said court may have adopted under the authority given him in this act.

Section 45. That in all criminal cases in which conviction is had, the same solicitor's fees shall be taxed up and collected as are taxed up and collected in the circuit courts of this State, and said fees shall be collected in the same manner as in the circuit courts, and, when collected, shall be placed to the credit of Marengo law and equity court fine and forfeiture fund herein provided for.

Section 46. That all cases at law or in equity, brought in the Northern Division of said Marengo law and equity court, except those cases in which a jury is required or demanded, shall be tried by the judge of said court in the city of Demopolis, at the place designated and selected by the judge of said court for holding court in said Northern Division; and in all cases at law or in equity in which a jury trial is required or demanded, brought in the Northern Division of said court, the issues of fact shall be determined before a jury at the court house in Linden, but the pleadings shall be settled and the issue made up before the judge of said court at the place designated by said judge for holding court in the Northern Division of said court.

Section 47. That all criminal cases, growing out of offenses committed within the territory embraced in the Northern Division of said court, in which a jury trial is not required or demanded, shall be tried before the judge of said court at Demopolis; but all criminal cases growing out of offenses committed within the territory embraced in the Northern Division of said court, in which a jury trial is required or demanded, and all criminal cases growing out of offenses committed within the territory embraced in the Southern Division of said court, shall be tried at the court house in Linden.

Section 48. That on the first day of January of each year it shall be the duty of the treasurer of Marengo county to transfer from the Marengo law and equity court fine and forfeiture fund, and place to the credit of the general fine and forfeiture fund of Marengo county, all funds to the credit of said Marengo law and equity court fine and forfeiture fund, after paying all claims that may be registered against the same at that time.

Section 49. That if any section or provision of this act shall be held to be void or unconstitutional, it shall not destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

Section 50. That all laws, general, special or local, in conflict or inconsistent with the provisions of this act be, and the same are, hereby repealed.

Yeas, 55; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Price
Altman	Fuller	Pugh
Armstrong	Hughes	Rainer
Avery	John	Rattray
Ballard (Autauga)	Jones	Rice
Ballard (Pike)	Killen	Rowe
Barton	King	Rushton
Benners	Kirby	Sanders
Bloch	Lacy (Walker)	Sanford
Bulger	Lawson	Sherrod
Burney	Mitchell	Tarrant
Cannon	Moore	Tunstall
Carmichael	McCurdy	Urquhart
Cooper	Parker	Vann
Cranford	Pearson	White (Lamar)
Crum	Reete	White (Perry)
Cunningham	Pitts (Perry)	Williams (Lee)
Doyle (Clarke)	Powell	Woolf
Dudley		

—55

On motion of Mr. Elrod, the House concurred in the Senate amendment to the bill H. 182, said Senate amendment being as follows:

Amend by striking out the words, "\$25" where they occur in the bill, except in line five and insert in lieu thereof the words "\$15", and by striking out lines eight and nine.

Yeas, 56; nays, 0.

Yeas:

Messrs. Speaker	Arnold	Baltzell
Altman	Avery	Barton
Armstrong	Ballard (Autauga)	Bloch

Bulger	Hughes	Rice
Burney	John	Rowe
Cannon	Killen	Rushton
Carmichael	King	Sanders
Cooper	Kirby	Sanford
Cranford	Mitchell	Sherrod
Crum	Moore	Smith (Elmore)
Cunningham	McCurdy	Stollenwerck
Doyle (Clarke)	Pearson	Tarrant
Doyle (Marengo)	Peete	Tunstall
Edwards	Pitts (Perry)	Urquhart
Elrod	Powell	Vann
Fuller	Price	Wittmeier
Garner	Pugh	White (Lamar)
Glover	Rainer	Williams (Lee)
Henley	Rattray	

—56

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 15. To amend section 2089 of the Code of Alabama, 1907.

S. 111. To amend section 4335 of the Code of Alabama.

S. 131. To create a State board of veterinary examiners in the State of Alabama, to provide for the appointment of the members of such board; to prescribe the place and time of meeting thereof; to provide for rules governing the application and issuing of license to practice as a veterinarian; to fix fees for such application; to define veterinary medicine and surgery; to provide for compensation and expenses of said board; to prescribe penalties for the violation of the provision of this act and for other purposes.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees, as follows:

Banking and Insurance, S. 15.

Judiciary, S. 111.

Agriculture, S. 131.

SPECIAL ORDER.

The House proceeded to the consideration of the special order which was the bill,

H. 259. (With amendment.) To provide for and regulate the manufacture, sale and inspection of mixed feed stuffs in Alabama, and to provide penalties for violations of this act.

The question was upon the adoption of the amendment reported by the standing committee on Public Health—said amendment being as follows:

The committee amends: Sec. 14½ towit: Provided that patent medicinal preparations, recommended solely for curative or medicinal properties, be excepted from the operation of this act, and that this act be in full force and effect on and after December 31, 1909.

Mr. Cooper offered the following amendment to the amendment reported by the committee:

Amend Sec. 14½. Provided, further, that no provision of this act shall prohibit an interstate shipper from printing on the bag, package or tag on mixed feed sold in Alabama and additional matter, to that herein specified, necessary to conform to national law, which does not annul or minimize the enacting clauses set out in sections one, two, three and ten of this act; provided further that mixed feed formulas patented under United States laws are excepted from the operation of this act, other than that they be required to file certified copy of same with the commissioner of agriculture and industries of the State of Alabama.

And the amendment to the amendment was adopted.
And the amendment reported by the committee as amended was adopted.

Yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Pugh
Altman	Fuller	Rainer
Armstrong	Garner	Ratray
Arnold	Glover	Rice
Avery	Henley	Rowe
Ballard (Autauga)	Hughes	Rushton
Ballard (Pike)	John	Sanders
Baltzell	Johnson	Sanford
Barton	Killen	Sherrod
Benners	Lacy (Walker)	Smith (Elmore)
Bloch	Lawson	Stollenwerck
Bulger	Mitchell	Tarrant
Burney	Moore	Tunstall
Cannon	McCrory	Urquhart
Carmichael	Parker	Wittmeier
Cooper	Pearson	White (Perry)
Crum	Peete	Williams (Lee)
Cunningham	Pitts (Perry)	Woolf
Doyle (Clarke)	Powell	

—57

And the bill,

H. 259. To provide for and regulate the manufacture, sale and inspection of mixed feed stuffs in Alabama, and to provide penalties for violations of this act.

As amended, was read a third time, at length, and passed.

Yeas, 67; nays, 3.

Yeas:

Messrs. Speaker	Barton	Cranford
Altman	Benson	Crum
Armstrong	Bloch	Cunningham
Arnold	Bulger	Doyle (Clarke)
Avery	Burney	Doyle (Marengo)
Ballard (Autauga)	Cannon	Edwards
Ballard (Pike)	Carmichael	Elrod
Baltzell	Cooper	Fuller

Garner	McCurdy	Sanford
Glover	Parker	Seale
Henley	Pearson	Sherrod
Hughes	Peete	Smith (Elmore)
John	Pitts (Perry)	Stollenwerck
Johnson	Powell	Tarrant
Killen	Price	Tunstall
Kirby	Pugh	Urquhart
Lawson	Rainer	Vann
Lee (Barbour)	Rattray	Wittmeier
Lindsey	Rowe	White (Lamar)
Malone	Rushton	White (Perry)
Mitchell	Sample	Williams (Lee)
Moore	Sanders	Woolf
McCrory		

—67

Nays:

Messrs.

Jenkins

Lacy (Walker)

Rice

—3

BILLS ON THIRD READING.

H. 189. To provide for a secretary and other clerical help for the Supreme Court of Alabama, and to provide for the selection and compensation of said secretary and help, and to amend article 2 of chapter 141 of the Code of 1907.

Was read a third time, at length, and passed.

Yeas, 48; nays, 14.

Yeas:

Messrs. Speaker	Carmichael	Hughes
Altman	Cooper	John
Armstrong	Cranford	Johnson
Arnold	Crum	Lacy (Walker)
Avery	Doyle (Clarke)	Lawson
Ballard (Autauga)	Doyle (Marengo)	Lee (Barbour)
Ballard (Pike)	Fuller	Lindsey
Benners	Garner	Malone
Bulger	Glover	Mayfield
Burney	Hoffman	Mitchell

Moore	Pugh	Sherrod
McCrary	Rainer	Stollenwerck
Parker	Rattray	Tarrant
Pearson	Rowe	Tunstall
Pitts (Perry)	Sanford	Vann
Price	Seale	Woolf

—48

Nays:

Messrs.

Baltzell	Edwards	Sanders
Barton	Henley	White (Lamar)
Bloch	Peete	White (Perry)
Cannon	Powell	Williams (Lee)
Cunningham	Sample	

—14

H. 305. To require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

Was taken up. Mr. John offered the following substitute for the bill:

Substitute for H. 305:

A bill to be entitled an act to require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

Be it enacted by the Legislature of Alabama:

1. That every person, firm or corporation who engages in, or carries on the business of issuing, or selling to merchants, trading stamps, or any device or substitute therefor, which are to be given by the merchant to the purchaser or any goods, wares or merchandise which are paid for at the time of delivery, and which stamps the person, firm or corporation engages to accept in payment of goods, wares and merchandise, kept for sale by the person, firm or corporation issuing or selling the trading stamps, shall pay to the State of Alabama a privilege, or license tax of one thousand dollars a year, and to the county a privilege, or license tax of five hundred dollars a year, when the amount of stamps sold does not

exceed five thousand dollars per annum; in case it exceeds five thousand dollars and does not exceed ten thousand dollars, two thousand dollars to the State and one thousand dollars per annum to the county; and when the annual license tax shall be five thousand dollars to be paid to the State, and three thousand dollars to the county.

Every person, firm or corporation who takes out and pays for a license to engage in, or carry on the business of issuing, or selling to the merchants, trading stamps, by whatever name called, shall on or before December 31 of every year make a sworn return, to the State auditor, of all trading stamps sold during that year, giving the name and address of every merchant or mercantile establishment which bought of or had issued by, the person, firm or corporation making the return, and if it appears therefrom that the amount of trading stamps sold during the year exceeds the license taken out, the State auditor shall demand and collect the full amount shown to be due for license tax to the State, and notify the probate judge of every county of the amount due that county, and no license shall thereafter issue, till all these sums are paid.

2. Any person, firm or corporation who engages in or carries on the business described in the first section of this act without having taken out and paid for the license required herein, must on conviction be fined not less than three thousand dollars.

And the substitute was adopted.

Yeas, 57; nays, 1.

Yeas:

Messrs. Speaker	Cannon	Henley
Armstrong	Carmichael	Hughes
Avery	Crum	John
Ballard (Autauga)	Cunningham	Johnson
Ballard (Pike)	Doyle (Clarke)	Jones
Barton	Edwards	King
Benners	Elrod	Kirby
Bloch	Fuller	Lawson
Bulger	Garner	Lee (Barbour)
Burney	Glover	Lindsey

Mitchell	Pugh	Sherrod
Moore	Rainer	Stollenwerck
McCrory	Ratray	Tarrant
McCurdy	Rowe	Urquhart
Pearson	Rushton	Vann
Pette	Sample	Wittmeier
Pitts (Perry)	Sanders	White (Lamar)
Powell	Sanford	White (Perry)
Price	Seale	Williams (Lee)

—57

Nays:

Hoffman

—1

And the bill,

H. 305. To require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; nays, 2.

Yeas:

Messrs. Speaker	Edwards	Pitts (Perry)
Altman	Elrod	Powell
Armstrong	Fulier	Price
Arnold	Garner	Pugh
Avery	Henley	Rainer
Ballard (Antauga)	Hoffman	Ratray
Ballard (Pike)	Hughes	Rice
Barton	John	Rowe
Benness	Johnson	Rushton
Bloch	Killen	Sample
Bulger	King	Sanders
Burney	Kirby	Seale
Cannon	Lawson	Sherrod
Carmichael	Lee (Barbour)	Stollenwerck
Cooper	Lindsey	Tarrant
Cranford	Mitchell	Urquhart
Crum	McCrory	Vann
Cunningham	McCurdy	White (Lamar)
Doyle (Clarke)	Pearson	White (Perry)
Doyle (Marengo)	Pette	Williams (Lee)

—60

Nays:
Messrs.
Jenkins

Tunstall

—2

H. 223. To amend section 7851 of the Code of Alabama.

Was read a third time, at length, and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs. Speaker	Elrod	Pearson
Altman	Fuller	Pitts (Perry)
Armstrong	Garner	Powell
Avery	Glover	Pugh
Ballard (Autauga)	Hoffman	Rainer
Ballard (Pike)	Jenkins	Rattray
Barton	John	Rowe
Benness	Johnson	Rushton
Bloch	Killen	Sample
Bulger	King	Sanders
Burney	Lacy (Walker)	Sanford
Cannon	Lawson	Sherrod
Carmichael	Lee (Barbour)	Stollenwerck
Cooper	Lindsey	Tarrant
Crum	Mitchell	Vann
Cunningham	Moore	White (Lamar)
Doyle (Clarke)	McDuffie	White (Perry)
Doyle (Marengo)	McMillan	Williams (Lee)
Edwards	Parker	

—56

H. 292. To further regulate the fees of constables in the State of Alabama.

Was read a third time, at length, and passed.

Yeas, 43; nays, 12.

Yeas:

Messrs. Speaker	Burney	Garner
Altman	Carmichael	Glover
Avery	Cooper	Hughes
Ballard (Autauga)	Doyle (Clarke)	John
Ballard (Pike)	Doyle (Marengo)	Killen
Barton	Elrod	King
Benson	Fuller	Kirby

Lindsey	Rainer	Stollenwerck
McCrary	Ratray	Tarrant
McCurdy	Rice	Tunstall
McDuffie	Rowe	Vann
Pearson	Sample	Wittmeier
Price	Sanders	White (Perry)
Pugh	Sherrod	Wolf

—43

Nays:

Arnold	Lawson	Parker
Baltzell	Lee (Barbour)	Powell
Bloch	Mitchell	Rushton
Cannon	Moore	White (Lamar)

—12

H. 113. To authorize the State of Alabama to subscribe for three hundred copies of the Sixth Volume of Mayfield's Digest of the Decisions of the Supreme Court of Alabama.

Was read a third time, at length, and passed.

Yeas, 56; nays, 1.

Yeas:

Messrs. Speaker	Fuller	Powell
Altman	Garner	Price
Arnold	Gunter	Ragsdale
Avery	Henley	Rainer
Ballard (Autauga)	Hoffman	Ratray
Ballard (Pike)	John	Rice
Barton	Johnson	Rowe
Benners	Killen	Rushton
Bloch	Kirby	Sample
Bulger	Lawson	Seale
Burney	Lee (Barbour)	Sherrod
Carmichael	Lindsey	Stollenwerck
Cooper	Mitchell	Tarrant
Cranford	Moore	Tunstall
Cunningham	McDuffie	Truhart
Doyle (Clarke)	Parker	White (Lamar)
Doyle (Marengo)	Pearson	White (Perry)
Edwards	Peete	Williams (Lee)
Elrod	Pitts (Perry)	

—53

Nays:

Mr. Sanders.

—1

RESOLUTION.

Mr. King offered the following resolution:

JOINT RESOLUTION.

By Mr. King.

H. J. R. 81. Be it resolved by the House, the Senate concurring, That the Governor be requested to return to the House H. 110, and that the Speaker of the House and President of the Senate be requested to erase their official signatures therefrom.

On motion of Mr. King the rules were suspended and the resolution was adopted.

BILL ON THIRD READING.

H. 270. To regulate the sale of seed grain and to provide penalties for the violation thereof.

Was taken up.

Mr. Ballard, of Autauga, offered the following substitute for the bill:

SUBSTITUTE FOR H. 270.

A bill to be entitled an act to regulate the sale of seeds, and to provide penalties for violations of this act.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. It shall be unlawful for any person to sell, offer or expose for sale, or distribution any of the agricultural seeds for planting or seeding purposes, unless the said seeds shall contain not less than ninety per cent of good seed of whatever kind it purports to be, and not less than ninety per cent of which will germinate under reasonable conditions; and said seed shall be free from

nut grass seed, Johnson grass seed, Quack grass seed, Dodder seed or Love vine seed, thistle and Corn-Cockle seed. Provided, this shall not apply to seeds marked "Not absolutely clean," and held or sold for export outside the State only, nor to the sale of seed that is grown, sold and delivered by any farmer on his own premises for seeding by the purchaser himself, unless the purchaser of said seeds obtain from the seller at the time of sale a certificate that the said seed is supplied to the purchaser subject to the provisions of this act, nor to seeds mixed for lawn or pasture purposes.

Section 2. Any person who shall knowingly violate the provisions of section 1 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one nor more than fifty dollars.

And the substitute was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs. Speaker	Henley	Powell
Altman	Hoffman	Price
Arnold	Hughes	Pugh
Avery	John	Rainer
Ballard (Autauga)	Johnson	Rattray
Ballard (Pike)	Jones	Rice
Barton	King	Rowe
Benners	Kirby	Rushton
Bloch	Lawson	Sample
Burney	Lee (Barbour)	Sanford
Cannon	Lindsey	Sherrod
Carmichael	Mitchell	Stollenwerck
Cooper	Moore	Tarrant
Cranford	McCrory	Tunstall
Crum	McCurdy	Urquhart
Cunningham	McDuffie	Vann
Doyle (Clark)	Oliver	Wittmeier
Edwards	Parker	White (Lamar)
Fuller	Pearson	White (Perry)
Garner	Peete	Williams (Lee)
Glover	Pitts (Perry)	

And the bill,

H. 270. To regulate the sale of seed grain and to provide penalties for the violation thereof.

As amended by the substitute, was read a third time at length, and passed.

Yeas, 5; nays, 0.

Yeas:

Messrs. Speaker	Garner	Pugh
Altman	Henley	Rainer
Armstrong	Hoffman	Rattray
Arnold	Jenkins	Rowe
Avery	John	Samplie
Ballard (Autauga)	Johnson	Sanders
Ballard (Pike)	Killen	Sanford
Barton	Malone	Sherrod
Bemmers	Mitchell	Stollenwerk
Bloch	Moore	Tarrant
Bulger	McCrory	Tunstall
Burney	McCurdy	Urquhart
Cannon	McDuffie	Vann
Carmichael	Parker	Wittmeier
Coleman	Peete	White (Lamar)
Cranford	Pitts (Perry)	White (Perry)
Crum	Powell	Williams (Lee)
Cunningham	Price	Woolf
Elrod		

—55

On motion all bills passed at the afternoon session to-day were ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in H. J. R. 81, relative to recalling from the Governor H. 110 and erasure of signatures of presiding officers, and returns same herewith to the Senate.

J. A. KYLE, Secretary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your committee on Engrossed Bills begs leave to report that it has examined and found correctly engrossed the following bill:

H. 301. To suppress gaming and gaming places.

ERNEST LACY, Chairman.

The report of the committee was concurred in.

To the House of Representatives:

I am directed by the Governor to transmit to you the following message in writing.

JOHN D. MCNEEL, Private Secretary.

Aug. 19, 1909.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

In response to the resolution of your honorable body in which the Senate has concurred requesting the return of House bill 110, I hereby return the said bill to the House as requested.

B. B. COMER, Governor.

Aug. 19th, 1909.

ERASURE OF SIGNATURE.

In accordance with H. J. R. 81 heretofore adopted the Speaker of the House in the presence of the House erased his signature from the bill H. 110.

BILL ON THIRD READING.

H. 231. To require the prompt settlement of death claims by life insurance companies doing business in this State.

Was taken up. Mr. Hoffman offered the following amendment to the bill H. 231:

Amend the bill by adding, "provided that this shall not apply to annuity or other policies payable in installments after death, if the insurer acknowledges the lia-

bility without contest, and in case of suit brought if the insurer be successful then the plaintiff shall pay a reasonable attorney's fee for defending the suit."

And the amendment offered by Mr. Hoffman was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs. Speaker	Henley	Powell
Altman	Hughes	Price
Arnold	Jenkins	Pugh
Avery	John	Rainer
Baliard (Autauga)	Johnson	Ratray
Ballard (Pike)	Killen	Rice
Barton	King	Rowe
Benners	Lacy (Dallas)	Rushton
Bloch	Lacy (Walker)	Sample
Bulger	Lawson	Sanders
Burney	Lee (Barbour)	Sanford
Caamon	Mitchell	Sherrod
Carmichael	Moore	Stollenwerck
Cooper	McCrory	Tarrant
Cranford	McCurdy	Tunstall
Crum	McDuffie	Urquhart
Edwards	Parker	Vann
Fuller	Pearson	White (Lamar)
Garner	Peete	Williams (Lee)
Glover	Pitts (Perry)	Woolf

—59

Mr. Rushton offered an amendment to the bill and on motion of Mr. John the amendment offered by Mr. Rushton was laid on the table.

And the bill,

H. 231. To require the prompt settlement of death claims by life insurance companies doing business in this State.

As amended, was read a third time, at length, and lost.

Yeas, 30; nays, 30.

Yeas:

Messrs.

Avery	Hughes	Price
Baltzell	Jenkins	Rainer
Bloch	Kirby	Rattray
Burney	Lawson	Rice
Cannon	Lee (Barbour)	Rowe
Carmichael	Lindsey	Sanders
Cooper	Malone	Sanford
Edwards	Mitchell	Tunstall
Henley	McDuffie	Williams (Lee)
Hoffman	Powell	Woolf

—30

Nays:

Messrs. Speaker

Altman	Fuller	Peete
Arnold	Garner	Pitts (Perry)
Ballard (Autauga)	Glover	Pugh
Ballard (Pike)	John	Rushton
Barton	Killen	Sherrod
Benners	King	Stollenwerck
Bulger	Moore	Tarrant
Cranford	McCrory	Urquhart
Cunningham	McCurdy	Wittmeier
Elrod	Parker	White (Lamar)

—30

RECESS.

The hour of 6 o'clock p. m. having arrived the House recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of 8 o'clock having arrived the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in H. J. R. 79, and returns same herewith to the House.

And has concurred in H. J. R. 81, relative to erasure of signature from H. 110.

The President of the Senate in the presence of the Senate has erased his signature from said bill and returns same herewith to the House.

J. A. KYLE, Secretary.

RESOLUTION.

The following resolution was introduced:

By Mr. Vann.

H. R. 82. Whereas, one of the distinguished members of this House who, after serving his country during the late unpleasantness, is able physically and mentally to continue to serve his country even at night sessions of this Legislature on this his sixty-third birthday.

Therefore, be it resolved, That this House, by a rising vote, extend its congratulations to the Representative of Barbour, Mr. Reid, on this his sixty-third birthday.

And the resolution was adopted by unanimous standing vote.

RESOLUTION.

The following House joint resolution was read at length and adopted:

H. J. R. 63. Believing that through the establishment of a National Bureau of Mines to conduct appropriate investigations, the National Government can co-operate with the States in lessening the loss of life in mining and the waste of resources.

Resolved, That the General Assembly of Alabama respectfully urges the Congress of the United States to establish such a bureau at its next session.

Resolved, further, That copies of this resolution be sent to the Speaker of the House of Representatives and the President of the Senate in Washington; and to the Senators and Representatives in Congress from this State.

And ordered sent forthwith to the Senate.

BILLS ON THIRD READING.

H. 193. To authorize boards of revenue and courts of county commissioners to make appropriations for the installation and maintenance of exhibits of the agricultural and mineral resources of their counties.

Was read a third time, at length, and passed.

Yeas, 57; nays, 3.

Yeas:

Messrs. Speaker	Jenkins	Pitts (Perry)
Armstrong	John	Price
Avery	Jones	Pugh
Ballard (Autauga)	Killen	Rainer
Benners	Kirby	Rowe
Bulger	Lacy (Walker)	Rushton
Burney	Lawson	Sanford
Cannon	Lee (Barbour)	Sherrod
Carmichael	Lee (Etowah)	Smith (Elmore)
Cooper	Mitchell	Smith (Lee)
Cranford	Moore	Stollenwerck
Doyle (Clarke)	McCrory	Tarrauc
Fuller	McCurdy	Tunstall
Garner	McDuffie	Urquhart
Glover	McMillan	White (Perry)
Haley	Norville	Williams (Lee)
Henley	Parker	Woolf
Hoffman	Pearson	
Hughes	Pitts (Dallas)	

—57

Nays:

Messrs.		
Cunningham	Elrod	Sanders

—3

H. 371. To amend section 7083 of the Code of Alabama of 1907.

Was taken up. Mr. Kirby offered the following substitute for the bill:

SUBSTITUTE FOR H. 371.

A bill to be entitled an act to amend section 7083 of the Code of Alabama of 1907.

Section 1. Be it enacted by the Legislature of Alabama, That section 7083 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 7083. Violations of the health and quarantine laws of live stock, penalty for. Any person, firm or corporation who shall drive, move, carry or transport or cause to be driven, moved, carried or transported in violation of the quarantine laws of this State or in violation of the rules or regulations of the State live stock sanitary board or who shall drive, carry, move or transport, or cause to be driven, moved, carried or transported any live stock into or from any quarantine district; or who brings, or causes to be brought into this State any live stock so brought into the State, as provided by law; or who fails and refuses, without just cause and legal excuse, to cleanse and disinfect any infested or infected place in which live stock are kept, when directed or requested by the State live stock board, the State veterinarian or assistants so to do pursuant to the rules and regulations established by said State live stock sanitary board; or who resists or interferes with such board, state veterinarian or assistants, or State live stock inspector in the execution of his or their duties; or who otherwise violates any of the quarantine laws of this State for live stock, or who fails or refuses without just cause or legal such laws; or who impedes or prevents, or attempts to so impede or prevent the execution of such laws, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months.

And the substitute was adopted.

Yeas, 57; nays, 3.

Yeas:

Messrs. Speaker	Benners	Decie (Clark)
Altman	Bloch	Doyle (Marengo)
Armstrong	Burney	Edwards
Arnold	Cannon	Elrod
Avery	Carmichael	Fuller
Ballard (Antauga)	Cooper	Garner
Ballard (Pike)	Cranford	Haley

Jenkins	McCrory	Rushton
John	McCurdy	Sanders
Johnson	McDuffie	Sanford
Kiroy	McMillan	Sherrod
Lacy (Walker)	Norville	Smith (Lee)
Lawson	Parker	Stollenwerck
Lee (Barbour)	Pearson	Tarrant
Lee (Etowah)	Pitts (Dallas)	Tunstall
Malone	Pitts (Perry)	Urquhart
Mayfield	Pugh	Vann
Mitchell	Rainer	White (Lamar)
Moore	Rowe	Williams (Lee)

—57

Nays:

Messrs.

Smith (Elmore)	Williams (Barbour)	Woolf
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—3

And the bill,

H. 371. To amend section 7083 of the Code of Alabama of 1907.

As amended by the substitute, was read a third time, at length, and passed. Yeas, 61; nays, 2.

Yeas:

Messrs. Speaker	Haley	Pearson
Altman	Henley	Pitts (Dallas)
Arnold	Hoffman	Pitts (Perry)
Arrington	Jenkins	Price
Avery	John	Pugh
Ballard (Autauga)	Jones	Rainer
Ballard (Pike)	Killen	Rattray
Benners	Kirby	Rowe
Blich	Lacy (Walker)	Rushton
Burney	Lawson	Sanders
Cannon	Lee (Barbour)	Sanford
Carmichael	Lee (Etowah)	Sherrod
Cooper	Malone	Smith (Lee)
Cranford	Mayfield	Stollenwerck
Cunningham	Moore	Tarrant
Doyle (Clarke)	McCrory	Tunstall
Doyle (Marengo)	McCurdy	Urquhart
Elrod	McDuffie	Vann
Fuller	McMillan	Williams (Lee)
Garner	Parker	Woolf
Glover		

—61

Nays:

Messrs.

Smith (Elmore)

Williams (Barbour)

—2

H. 309. To amend section 3394 of the Code of Alabama, 1907.

Was taken up. On motion of Mr. Sanford the bill, H. 309, was laid on the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 271. To better secure the enforcement of the laws of the State, to prescribe the duties of sheriffs and solicitors in the enforcement of laws and to authorize their impeachment for willful neglect of duty.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

S. 118. To perpetuate the United States government surveys in the State of Alabama.

S. 135. To repeal sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 118, S. 135.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendments proposed by the Governor to

H. 55. To provide for the filling of any vacant office of the State or any county or any municipality, when there is no provision of law for filling such vacancy. By a majority vote of the whole number elected to the Senate. The vote on said amendment being as follows :

Yeas, 24; nays, 2.

And returns same herewith to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in the House amendment to

S. 134. To amend section 3322 of the Code of 1907. And the Senate has non-concurred in House amendment to

S. 40. For the further protection of fish.

And requests a committee of conference.

Conferees on the part of the Senate: Messrs. Hamburger and King; and returns same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall the House acceded to the request of the Senate for a committee of Conference on the disagreement of the two Houses on the House amendment to the bill S. 40 and the Speaker named as a committee of Conference on the part of the House, Messrs. Tunstall, Crawford and Sherrod.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment :

S. 128. To alter and amend section two thousand and forty-seven (2047) of the Code of Alabama and to make additional appropriations for the repairs and insurance for the confederate soldiers' home at Mountain Creek.

S. 130. To amend section 1218 of the Code of 1907.

S. 148. To authorize the sale, lease or disposition of an electric light plant, gas plant or water works plant owned by any town or city, or municipal corporation in this State.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate standing committees as follows:

Appropriations, S. 128.

Judiciary, S. 130.

Municipal Organization, S. 148.

BILLS ON THIRD READING.

H. 283. To amend sections 1302, 1305 and 1307 of the Code.

Was taken up. On motion of Mr. Tunstall the bill H. 283 was laid on the table.

H. 226. To amend sections 161, 162, 163, and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13, 1907.

Was taken up. Mr. Gunter offered the following amendment to the bill:

Section 3. That section 163 of said act shall be amended so as to read as follows:

Section 163. The health officer of an incorporated city or town shall perform all duties that devolve upon him under the health and quarantine laws of the State;

and also all duties that devolve upon him under such health ordinances as may be legally adopted by the authorities of the municipality. Should the health officer fail to discharge said duties it shall be the right and the duty of the county board of health to remove him from office and to promptly elect a successor. It shall also be the right of the mayor of a municipality to remove a principal health officer for good cause, and when such right is exercised the mayor shall appoint a health officer *pro tempore*, provided that such health officer is a member of the county board of health. When the mayor removes a municipal health officer he shall notify in writing the president or secretary of the county board of health of his action, and shall assign his reasons therefor. When a county board of health has been notified of the removal of a municipal health officer, together with the reasons therefor, the said board of health shall promptly and thoroughly investigate the alleged reasons. When such investigation has been completed it shall be the duty of the county board of health to elect a successor to the municipal health office removed by the mayor, provided that such removed health officer may be deemed eligible to succeed himself if the investigation shows him not to have been guilty of such dereliction of duty as to disqualify him for succeeding himself.

And the amendment was adopted.

Yeas, 42; nays, 13.

Yeas:

Messrs. Speaker	Hughes	Rowe
Altman	John	Rushton
Ballard (Autauga)	Lacy (Walker)	Sanders
Barton	Lee (Barbour)	Sanford
Benners	Long (Butler)	Seale
Bloch	Mayfield	Smith (Lee)
Burney	Moore	Stollenwerck
Carmichael	McCurdy	Tarrant
Cranford	McDuffie	Tunstall
Crum	Parker	White (Lamar)
Cunningham	Pearson	White (Perry)
Dudley	Pitts (Dallas)	Williams (Barbour)
Edwards	Pitts (Perry)	Williams (Lee)
Haley	Rainer	Woolf

Nays:**Messrs.**

Arnold	Fuller	Killen
Avery	Garner	Lawson
Bulger	Glover	Lee (Etowah)
Cannon	Johnson	Price
Cooper		

—13

Mr. Glover moved to table the bill and amendment And the motion to table was lost.

And the bill,

H. 226. To amend sections 161, 162, 163, and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13, 1907.

As amended, was read a third time, at length and passed. Yeas, 39; nays, 33.

Yeas:

Messrs. Speaker	Fuller	Pitts (Perry)
Altman	Hughes	Pugh
Arnold	John	Rice
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	Kirby	Rushton
Benners	Lacy (Walker)	Sanders
Bloch	Mayfield	Stollenwerck
Burney	Moore	Tarrant
Carmichael	McCurdy	Urquhart
Crum	McDuffie	Vann
Cunningham	McMillan	Williams (Barbour)
Doyle (Clarke)	Pearson	Williams (Lee)
Dudley	Pitts (Dallas)	Woolf

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Nays:**Messrs.**

Avery	Cranford	Haley
Bulger	Elrod	Henley
Cannon	Garner	Jenkins
Cooper	Glover	Johnson

Killen	Parker	Sherrod
Lacy (Dallas)	Peete	Smith (Elmore)
Lawson	Pratt	Smith (Lee)
Lee (Barbour)	Rainer	Tunstall
Lee (Etowah)	Sample	Turner
Long (Butler)	Sanford	White (Lamar)
Mitchell	Seale	White (Perry)

—33

H. 354. To promote and secure the erection of cotton mills and factories in the State of Alabama.

Was read a third time, at length, and lost.

Yeas, 19; nays, 42.

Yeas:

Messrs.

Benners	Lacy (Dallas)	Rowe
Bloch	Lacy (Walker)	Stollenwerck
Burney	Mitchell	Tarrant
Cranford	Moore	Turner
Crum	Pitts (Perry)	Urquhart
Fuller	Pratt	Woolf
Henley		

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Nays:

Messrs. Speaker	John	Rainer
Altman	Johnson	Rice
Avery	Jones	Rushton
Ballard (Autauga)	Lee (Barbour)	Sample
Ballard (Pike)	Lee (Etowah)	Sanders
Cannon	Long (Butler)	Sanford
Carmichael	Mayfield	Sherrod
Cooper	McCurdy	Smith (Elmore)
Cunningham	McCurdie	Smith (Lee)
Doyle (Clarke)	McMillan	Tunstall
Dudley	Parker	Vann
Garner	Pearson	White (Lamar)
Glover	Pitts (Dallas)	White (Perry)
Haley	Pugh	Williams (Barbour)

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On motion all bills passed at the night session were ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

S. 154. To regulate the fees of the sheriffs for feeding prisoners confined in jail under charge or conviction of any indictable offense and to provide for payment therefor.

S. 152. To provide for the payment of insurance and repairs on buildings at the soldiers' home at Mountain Creek, Alabama.

And sends same herewith to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were severally read one time and referred to appropriate standing committees as follows:

Appropriations, S. 152.

Revision of Laws, S. 154.

ADJOURNMENT.

On motion of Mr. John the House adjourned until 11 o'clock tomorrow morning.

NINETEENTH DAY.

House of Representatives.

Montgomery, Ala., Friday, Aug. 20, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. M. Dannelly of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Elrod	Long (Butler)
Alford	Fuller	Long (Morgan)
Altman	Garner	Malone
Armstrong	Glover	Maner
Arnold	Gunter	Mastin
Avery	Haley	Mayfield
Ballard (Autauga)	Henley	Middleton
Ballard (Pike)	Hoffman	Mitchell
Baltzell	Hughes	Moore
Barton	Jenkins	McCrary
Benners	John	McCurdy
Bloch	Johnson	McDuffie
Bulger	Jones	McMillan
Burney	Killen	Norville
Cannon	King	Parker
Carmichael	Kirby	Pearson
Cooper	Lacy (Dallas)	Peete
Cranford	Lacy (Walker)	Pitts (Dallas)
Crum	Lancaster	Pitts (Perry)
Carmichael	Lawson	Powell
Doyle (Clarke)	Lee (Barbour)	Pratt
Doyle (Marengo)	Lee (Etowah)	Price
Dudley	Lee (Houston)	Pugh
Edwards	Lindsey	Rainer

Rattray	Sherrod	Urquhart
Rice	Smith (Elmore)	Vann
Rowe	Smith (Lee)	Wittmeier
Rushton	Stollenwerck	White (Lamar)
Sample	Tarrant	White (Perry)
Sanders	Thompson	Williams (Barbour)
Sanford	Tunstall	Williams (Lee)
Seale	Turner	Woolf

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the eighteenth day and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the 18th day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Smith of Etowah indefinitely, and Mr. Malone after to-day.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. Jno. C. Eyster, of Morgan, for to-day.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in, and adopted H. J. R. 28 relative to attorney's tax fee in the Federal court, and returns same herewith to the House.

J. A. KYLE,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 95. To authorize a certified copy of a degree rendered by a court of competent jurisdiction of another State, relieving a non-resident minor of the disabilities of non-age to be recorded in the probate office of any county in this State where such minor owns property, and when so recorded the said decree to have the same force and effect in this State as in the State where rendered.

H. 69. To fix the time of holding the circuit court of Coffee county at Enterprise, Alabama.

H. 196. To repeal "an act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved December 5th, 1900.

H. 211. To amend section 3613 of the Code of Alabama of 1907.

H. 238. To authorize the city of Graymont, Alabama, to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the city of Graymont, and for the purpose of acquiring a site and building a school house thereon and equipping the same.

H. 260. To re-arrange the boundaries of the town of Oxford, Calhoun county, Alabama.

H. 285. For the preservation and protection of the public oyster reefs and beds in the waters of Alabama; to provide for the establishment of a board of oyster commissioners, to prescribe their duties, and provide for their compensation; to regulate the manner of taking and catching oysters on such public reefs and private bedding grounds, and to prescribe the measure of oysters in the shell; to prescribe license fees for boats engaged in taking and catching oysters; to fix and prescribe a tax upon oysters canned and packed in this State; to provide for the protection and patrol of oyster grounds, and to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of any of the provisions of this act; and to create the oyster

protection fund from moneys arising under the provisions of this act; for the purpose of defraying the expenses of the oyster commission, and generally to regulate and control the oyster industry and matters connected therewith.

H. 320. To amend section 14 of No. 88, H. 338, approved the 26th day of February, 1907, to provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, describing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

REPORT OF RULES COMMITTEE.

Mr. John from the committee on Rules returned to the House the following resolution with a favorable report:

Rules Committee.

H. R. 83. Resolved, that the following Senate bills be made special paramount continuing orders after re-

ports of standing committees.—S. 66, 7, 70, 80, 117, 79. etc.

And the resolution was adopted.

RESOLUTION.

The following resolution was introduced and the Rules were suspended and the resolution was adopted By Mr. Jones.

H. 84. Whereas, the pages of this House have been uniformly courteous, diligent and active in the discharge of their duties, and whereas we would, if possible, add to their pleasure.

Therefore, be it resolved by the House, That the pages be given a half holiday on this August 20th, that they may attend the ball game, this afternoon.

BILLS ON SECOND READING.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 86. To provide for the disposition of money to which minors are entitled.

S. 111. To amend section 4335 of the Code of Alabama.

Mr. Pitts, of Perry, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report.

S. 25. To provide for county Inspector of apiaries; to define their duties; and to provide for their compensation for the purpose of suppressing and avoiding of foul brood, or other contagious diseases among the bees or their hives in the State of Alabama.

S. 131. To create a State board of veterinary examiners in the State of Alabama, to provide for the appointment of the members of such board; to prescribe the place and time of meeting thereof; to provide for rules governing the application and issuing of license to prac-

tice as a veterinarian; to fix fees for such application; to define veterinary medicine and surgery; to provide for compensation and expenses of said board; to prescribe penalties for the violation of the provision of this act and for other purposes.

Mr. Rowe, acting chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 128. To amend section 2047 of the Code of Alabama.

S. 152. To provide for the payment of insurance and repairs on buildings at the soldiers' home at Mountain Creek, Alabama.

H. 379. To appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to pay for the publication of the proclamation of the governor, with reference to constitutional amendments.

Mr. Rushton, chairman of the standing committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 15. To amend section 2089 of the Code of Alabama, 1907.

Mr. Long, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 374. To prohibit the sale of fowls which have been killed for consumption until they have been completely dressed and their entrails drawn.

The above and foregoing bills were severally read a second time, and placed on the calendar.

Mr. Bulger, chairman of the standing committee on Federal Relations, reported that said committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. Resolution. Relative to the celebration of the 20th, anniversary of the founding of the City of Mobile. And the resolution was adopted.

Mr. Bulger, chairman of the standing committee on Federal Relations, reported that said committee in session had acted on the following resolution and ordered same returned to the House without recommendation.

H. J. R. 26. Resolved by the House, That the Senators and Representatives from Alabama be and they are hereby requested to vote in favor of any bill looking to the encouragement of our merchant marine.

And the resolution was read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. John, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills, and ordered same returned to the House with an adverse report :

S. 118. To perpetuate the United States government surveys in the State of Alabama.

Mr. Rushton, acting chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report :

S. 154. To regulate the fees of the sheriffs for feeding prisoners confined in jail under charge or conviction of any indictable offense, and to provide for payment therefor.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills :

H. 55. To provide for the filling of any vacant office, of the State, or any county, or any municipality, when there is no provision of law for filling such vacancy.

H. 110. To alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham.

H. 281. To establish a county court for the county of Shelby.

H. 349. To refund to municipal corporations of Alabama the tax paid by such corporations for recording mortgages and deeds of trust securing the bonds issued by such municipal corporations.

H. 307. To repeal an Act entitled an act "To provide a road law for the county of Marengo, and to enforce the same," approved February 26th, 1907.

H. 137. To regulate the vacation of parts of streets by cities and towns for the purpose of allowing the erection and maintainance of structures for the public convenience on such vacated portions of streets.

H. 345. To authorize the tax collectors of the State to pay over funds collected by them under special, general or local laws which have been repealed, or the levy declared null and void.

H. 182. To encourage a better system of agriculture in this State.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution:

SENATE JOINT RESOLUTION.

Be it resolved by the Senate, the House concurring, That the Secretary of State be and he is hereby required immediately after the adjournment of this special session of the Legislature to prepare for publication fair copies of all the acts passed at this special session of the Legislature amending sections of the Code of Alabama, 1907, and amending laws passed after the 9th day of July, 1907, and incorporated in the Code of Alabama, and to have three thousand copies of the same immediately printed by the public printer in pamphlet form in the numerical order of the several amendments, and with index giving the numbers of the sections amended, and as soon as said copies are printed, forward one copy of the same to each member of the Legislature and one copy to each judge of every court of record, and one copy to each solicitor in this State, and he may sell the remaining copies at twenty-five cents per copy, but no more than five copies shall be sold to any one person, firm or corporation. The object of this resolution being to make available to the lawyers and courts of record of this State as early as possible all amendments of the said Code.

And sends same herewith to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution set out in the above and foregoing message from the Senate was read one time and referred to the standing committee on Rules.

WITHDRAWAL OF BILL.

Unanimous consent was granted Mr. McDuffie to withdraw the bill H. 139.

BILLS ON THIRD READING.

S. 66. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds, to aid in the location and in the construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

Was taken up. Mr. Gunter offered the following amendment to the bill:

Amend title by adding "and issue bonds" after words "city funds" where it occurs in the title and adding the words "and issue bonds" after words "city funds," where it occurs in section one (1) of the bill.

And the amendment was adopted.

Yeas, 69; nays, 1.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Lee (Etowah)
Alford	Doyle (Marengo)	Lindsey
Altman	Fuller	Long (Morgan)
Armstrong	Garner	Mayfield
Arnold	Glover	Mitchell
Avery	Gunter	Moore
Ballard (Autauga)	Haley	McCrory
Baltzell	Henley	McMillan
Barton	Hoffman	Parker
Benners	Hughes	Peete
Bulger	John	Pitts (Perry)
Burney	Johnson	Powell
Cannon	Jones	Pratt
Carmichael	Killen	Price
Cooper	King	Pugh
Cranford	Lacy (Walker)	Rainer
Crum	Lawson	Rattray
Cunningham	Lee (Barbour)	Rice

Rowe	Smith (Elmore)	Vann
Rushton	Stollenwerck	Wittmeier
Sample	Tarrant	White (Lamar)
Sanders	Tunstall	Williams (Barbour)
Sanford	Urquhart	Williams (Lee)

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Nays:

Mr. Edwards.

—1

Mr. Lacy, of Walker, offered the following amendment to the bill:

Amend Senate bill 66 as follows: First. By inserting in section one of the bill after the words "appropriations from city" and before the word "funds" where the same appear in said section the words "or town."

And the amendment was adopted.

Yeas, 67; nays, 1.

Yeas:

Messrs. Speaker	Gunter	Powell
Alford	Haley	Pratt
Altman	Henley	Rrice
Armstrong	Hoffman	Pugh
Arnold	John	Rainer
Avery	Johnson	Rattray
Ballard (Autauga)	Jones	Rice
Ballard (Pike)	Killen	Rowe
Baltzell	King	Sample
Barton	Lacy (Walker)	Seale
Benners	Lawson	Sherrod
Bulger	Long (Morgan)	Smith (Elmore)
Burney	Maner	Stollenwerck
Cannon	Mayfield	Tarrant
Carmichael	Mitchell	Tunstall
Cooper	Moore	Urquhart
Cranford	McCrory	Vann
Crum	McDuffie	Wittmeier
Cunningham	McMillan	White (Lamar)
Doyle (Clarke)	Parker	Williams (Barbour)
Doyle (Marengo)	Pearson	Williams (Lee)
Fuller	Peete	Woolf
Garner	Pitts (Perry)	

—67

Nays:

Mr. Edwards.

—1

And the Bill.

S. 66. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds, to aid in the location and in the construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

As amended, was read a third time, at length and passed: Yeas, 62; nays, 3.

Yeas:

Messrs. Speaker	Garner	Pearson
Altman	Gunter	Peete
Armstrong	Haley	Pitts (Perry)
Arnold	Henley	Powell
Avery	Hoffman	Pratt
Ballard (Autauga)	Hughes	Price
Ballard (Pike)	John	Pugh
Baltzell	Jones	Rice
Barton	Killen	Rowe
Benners	King	Rushton
Bulger	Kirby	Sample
Burney	Lacy (Walker)	Sanders
Cannon	Lawson	Sanford
Carmichael	Lee (Barbour)	Stollenwerck
Cooper	Lee (Etowah)	Tarrant
Cranford	Mayfield	Tunstall
Crum	Mitchell	Urquhart
Cunningham	Moore	White (Lamar)
Doyle (Clarke)	McCrory	Williams (Lee)
Doyle (Marengo)	McDuffie	Woolf
Fuller	McMillan	

—62

Nays:

Messrs.

Parker

Rainer

Turner

—3

S. 7. To authorize and empower the commissioners court, board of revenue or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the construction or improvement of necessary buildings and the maintenance and support of those State schools known as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes and to repeal all laws and parts of laws in conflict therewith.

Was taken up. Mr. Sherrod offered the following amendment to the bill:

"Amend bill by adding at the bottom of section 1, and before the repealing close the following: Provided that no acts of courts of county commissioners or courts or boards of revenues shall be ratified or confirmed by this act unless the amount so appropriated by such court or board, shall have been paid by the county treasurer prior to the passage of this act.

And the amendment was lost.

Yeas, 32; nays, 42.

Yeas:

Messrs.

Altman	Haley	McMillan
Arnold	Jenkins	Norville
Avery	Johnson	Parker
Benners	Killen	Powell
Bloch	Lacy (Dallas)	Pugh
Carmichael	Long (Morgan)	Rainer
Crum	Mastin	Sherrod
Cunningham	Mitchell	Tunstall
Doyle (Marengo)	Moore	Urquhart
Edwards	McCrory	White (Lamar)
Gunter	McDuffie	

Nays:

Messrs. Speaker	Ballard (Pike)	Cannon
Alford	Barton	Cooper
Armstrong	Bulger	Cranford
Ballard (Autauga)	Burney	Fuller

Garner	Lee (Etowah)	Rattray
Glover	Lee (Houston)	Rowe
Henley	Lindsey	Sample
Hughes	Long (Butler)	Sanders
John	Mayfield	Sanford
Jones	Pearson	Stollenwerck
King	Peete	Tarrant
Kirby	Pitts (Perry)	Williams (Barbour)
Lacy (Walker)	Pratt	Williams (Lee)
Lee (Barbour)	Price	Woolf

42

Mr. Bulger offered the following amendment to the bill:

Amend the bill by striking out all that part of the bill including and after the word provided in the twentieth line of the first section of the bill.

And the amendment was adopted.

Yeas, 57; Nays, 17.

Yeas:

Messrs. Speaker

Alford	Lacy (Dallas)	Price
Armstrong	Lacy (Walker)	Pugh
Ballard (Autauga)	Lawson	Rattray
Barton	Lee (Barbour)	Rice
Benners	Lee (Etowah)	Rowe
Bulger	Lee (Houston)	Rushton
Cannon	Lindsey	Sample
Cooper	Long (Butler)	Sanders
Cranford	Long (Morgan)	Smith (Elmore)
Crum	Malone	Smith (Lee)
Doyle (Clarke)	Mastin	Stollenwerck
Edwards	Mayfield	Tarrant
Fuller	Mitchell	Tunstall
Garner	McCrory	Urquhart
Gunter	McDuffie	Vann
Henley	Pearson	Williams (Barbour)
Hughes	Pitts (Perry)	Williams (Lee)
John	Powell	Woolf
Jones	Pratt	

Nays:
Messrs.

Altman	Killen	Ralner
Bloch	Moore	Sherrod
Burney	McMillan	Wittmeler
Haley	Norville	White (Lamar)
Jenkins	Parker	White (Perry)
Johnson	Peete	

—17

And the bill,

S. 7. To authorize and empower the commissioners court, board of revenue or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the construction or improvement of necessary buildings and the maintenance and support of those State schools known as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes and to repeal all laws and parts of laws in conflict therewith.

As amended, was read a third time, at length and passd; yeas, 55; nays, 21.

Yeas:

Messrs. Speaker

Alford	Hoffman	Mitchell
Armstrong	Hughes	McDuffie
Ballard (Autauga)	John	Pearson
Barton	Jones	Peete
Bloch	King	Pitts (Perry)
Bulger	Kirby	Powell
Cooper	Lacy (Dallas)	Pratt
Cranford	Lacy (Walker)	Price
Crum	Lawson	Ralner
Fuller	Lee (Etowah)	Rattray
Garner	Lee (Houston)	Rowe
Glover	Lindsey	Sample
Gunter	Long (Butler)	Sanford
Haley	Mastin	Smith (Elmore)
Henry	Mayfield	Smith (Lee)

Stollenwerck	Urquhart	Williams (Barbour)
Tarrant	Vann	Williams (Lee)
Tunstall	Wittmeler	Woolf

—55

Nays:
Messrs.

Altman	Jenkins	McMillan
Avery	Johnson	Parker
Benness	Killen	Sanders
Burney	Long (Morgan)	Sherrod
Carmichael	Malone	Turner
Cunningham	Moore	White (Lamar)
Edwards	McCrary	White (Perry)

—21

RECESS.

The hour of one o'clock having arrived the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 1. To provide for the relinquishment of business by mutual aid or industrial associations and corporations.

H. 5. To amend section 7424 of the Code of Alabama, 1907.

H. 28. To amend section 632 of the Code of Alabama.

H. 62. To prohibit misrepresentations, rebating and discriminations by life insurance companies, and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

H. 73. To provide for license tax of one dollar on each dog over the age of four months kept in Dallas county, Alabama; to authorize the collection of the same, and the issuance of license, to prescribe penalties for the violation of provisions of this act, and the disposition of fines collected therefor, and for the disposition of the license taxes.

H. 89. To vacate and annul the dedication of the following described highway or part of highway in the city of Bessemer, Jefferson county, Alabama, and described according to the map and plat of the Bessemer Land and Improvement Company; that part of the alley between 7th and 8th avenues and extending from 21st to 22nd street, entirely through the block three hundred and eighty-five (385) and to close such portion of said alley as a public highway.

H. 163. To repeal an act entitled an act to constitute a board of jury commissioners of Choctaw county, approved February 28, 1907.

And has amended as therein shown and as amended has passed,

H. 61. To prohibit the display of nude pictures of a man, woman or girl in any public place, except art galleries.

Also,

H. 157. To amend sections 51 and 52 of the Political Code of 1907.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Peete, the House concurred in the Senate amendment to the bill H. 61, said Senate amendment being as follows:

To amend section two of said bill by striking out the words "less than fifty dollars (\$50.00) nor" where the same accrues therein.

Yeas, 56; nays, 0.

Yeas:

Messrs. Speaker	Henley	Price
Alford	Hoffman	Pugh
Altman	Hughes	Rattray
Avery	Jenkins	Rowe
Ballard (Autauga)	John	Rushton
Ballard (Pike)	Johnson	Sample
Baltzell	Killen	Sanders
Burney	Lacy (Walker)	Sanford
Cannon	Lee (Etowah)	Sherrod
Carmichael	Lindsey	Smith (Lee)
Crum	Long (Morgan)	Stollenwerck
Cunningham	Mayfield	Tarrant
Doyle (Marengo)	Mitchell	Tunstall
Dudley	Moore	Urquhart
Edwards	McCrory	Vann
Fuller	McCurdy	Wittmeier
Garner	Parker	White (Lamar)
Glover	Pearson	White (Perry)
Haley	Peete	

—56

On motion of Mr. Tunstall, the House concurred in the Senate amendment to the bill H. 157, said Senate amendment being as follows:

By adding after the word "agriculture," where it occurs in section one and two, the words, "and industries."

Yeas, 54; nays, 0.

Yeas:

Messrs. Speaker	Doyle (Marengo)	Lee (Etowah)
Alford	Dudley	Lindsey
Altman	Edwards	Long (Morgan)
Avery	Fuller	Mayfield
Ballard (Autauga)	Garner	Mitchell
Bloch	Haley	Moore
Burney	Hughes	McCrory
Cannon	Jenkins	McCurdy
Carmichael	John	Parker
Crum	Killen	Pearson
Cunningham	Kirby	Peete
Doyle (Clarke)	Lacy (Walker)	Pitts (Perry)

Price	Sanders	Tunstall
Rainer	Sanford	Urquhart
Ratray	Sherrod	Vann
Rowe	Smith (Lee)	Wittmeler
Rushton	Stollenwerck	White (Lamar)
Sample	Tarrant	White (Perry)

—54

RECONSIDERATION.

Mr. Tunstall moved to reconsider the vote by which the bill S. 7 was passed and demanded immediate action upon his motion to reconsider, and the motion to reconsider prevailed.

Yeas, 39; nays, 15.

Yeas:

Messrs. Speaker	Gunter	Pearson
Alford	Hoffman	Peete
Altman	Hughes	Pugh
Arnold	Jenkins	Rainer
Barton	Johnson	Rushton
Benners	Killen	Sanders
Carmichael	Lacy (Walker)	Sanford
Cranford	Lawson	Sherrod
Crum	Mitchell	Stollenwerck
Cunningham	Moore	Tarrant
Doyle (Marengo)	McCrory	Tunstall
Edwards	McCurdy	Vann
Garner	Parker	White (Lamar)

—39

Nays:

Messrs.

Avery	Fuller	Price
Ballard (Autauga)	Kirby	Ratray
Bloch	Lee (Etowah)	Sample
Burney	Mayfield	Wittmeler
Cooper	Pitts (Perry)	White (Perry)

—15

On motion of Mr. Sherrod the vote by which the bill S. 7 was ordered to a third reading was reconsidered.

Mr. Sherrod offered the following amendment to the bill:

Provided that the provisions of this act shall not effect suits heretofore filed to test the legality of appropriations made by courts of county commissioners or boards of revenue to aid in the construction of county high schools.

And the amendment was adopted.

Yeas, 53; nays, 4.

Yeas:

Messrs. Speaker	Henley	Pearson
Alford	Hoffman	Pecte
Altman	Hughes	Pitts (Perry)
Avery	Jenkins	Price
Barton	John	Pugh
Benners	Johnson	Rainer
Bloch	Killen	Rattray
Carmichael	King	Rushton
Cranford	Lacy (Walker)	Sanders
Crum	Lawson	Sanford
Cunningham	Lee (Etowan)	Sherrod
Doyle (Marengo)	Lindsey	Stollenwerck
Dudley	Mayfield	Tarrant
Edwards	Mitchell	Tunstall
Fuller	Moore	Vann
Garner	McCrary	Wittmeier
Gunter	McCurdy	White (Lamar)
Haley	Parker	

—53

Nays:

Messrs.

Ballard (Autauga)	Rowe	White (Perry)
Burney		

—4

And the Bill.

S. 7. To authorize and empower the commissioners court, board of revenue or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the construction or improvement of necessary buildings and the maintenance and support of those State schools known

as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes and to repeal all laws and parts of laws in conflict therewith.

As amended was read a third time at length and passed.

Yeas, 45; nays, 12.

Yeas:

Messrs. Speaker	Haley	Pugh
Alford	Henley	Rainer
Altman	Hoffman	Ratray
Arnold	Hughes	Rowe
Ballard (Autauga)	John	Rushton
Barton	Lacy (Walker)	Sample
Benners	Lawson	Sanford
Bloch	Lee (Etowah)	Sherrod
Cooper	Mayfield	Stollenwerck
Cranford	Mitchell	Tarrant
Cunningham	Moore	Tunstall
Fuller	McCrary	Urquhart
Garner	McCurdy	Vann
Glover	Peete	Wittmeier
Gunter	Pitts (Perry)	Woolf

—45

Nays:

Messrs.

Avery	Doyle (Marengo)	Parker
Burney	Edwards	Sanders
Carmichael	Johnson	White (Lamar)
Crum	Killen	White (Perry)

—12

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed.

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for

the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

And herewith returns same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Fuller the House concurred in the Senate amendment to the bill H. 257, said Senate amendment being as follows:

To amend section three by striking out the same substituting therefor: "Whereas" it is the public policy of the State to discourage the use and consumption of prohibited liquors and beverages. It is hereby made unlawful to advertise upon any street car, railroad car, at any public place or resort, or upon any billboard, or any other public place such prohibited liquors and beverages, or any of them, or the person, firm or corporation from whom, or the place where, or price at which, or the method by which such prohibited liquors or beverages or any of them may be obtained and any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor; and this section shall be liberally construed so as to prevent the evasion thereof. Any sheriff, constable, or police officer, is authorized to remove any such advertisement from any billboard or other public place when it comes under his observation or is brought to his notice and shall do so upon the demand of any citizen. Any such advertisement containing the picture of a brewery or a distillery or bottles, jugs, kegs, barrels, or boxes, represented as containing whisky, beer or other prohibited liquors and beverages, shall be within the inhibition of this section.

Yeas, 57; nays, 2.

Yeas:

Messrs. Speaker	Fuller	Peete
Alford	Garner	Pitts (Perry)
Altman	Henley	Pugh
Armstrong	Hughes	Rainer
Arnold	Jenkins	Rowe
Avery	John	Rushton
Ballard (Autauga)	Johnson	Sanders
Ballard (Pike)	Killen	Sanford
Benners	Lacy (Walker)	Seale
Bloch	Lawson	Sherrod
Burney	Lee (Barbour)	Stollenwerck
Cannon	Mastin	Tarrant
Carmichael	Mayfield	Tunstall
Cooper	Mitchell	Urquhart
Cranford	Moore	Vann
Crum	McCrory	Wittmeier
Cunningham	McCurdy	White (Lamar)
Doyle (Marengo)	Parker	White (Perry)
Dudley	Pearson	Woolf

—57

Nays:**Messrs.**

Edwards	Hoffman
---------	---------

—2

PROTEST FILED.

Mr. Hoffman filed the following protest which was ordered spread upon the Journal:

Under section 55 of the Constitution of Alabama, I now file my protest against the passage of House bill 250, for that:

Assuming that this administration, put into power by a democratic vote, when first the oath of office was taken in January, 1907, was sincere in the protestations and professions of faith then made by our Democratic leader, His Excellency the Governor, who said on January 15, 1907:

"In accepting the great trust conferred upon me by the people of Alabama in nominating and electing me governor, * * * so forceful was the platform, so

clear cut and mandatory to you and to me, and to all loyal democrats, that I feel it incumbent upon me to reiterate its demands, suggesting, advising and praying that you enact them into statutes. * * * A paid lobby swarming our capitol, and interfering with our legislators, is in the highest sense debauching, destructive and hindering to equitable legislation. Only the rich can afford to pay a lobby. * * *

I recommend the enactment of a law requiring any and all employed agents * * * to register in special books, (1) the name and residence of such agent, attorney or representative; (2) the name and principal business office or address of the person, partnership or corporation represented, together with the occupation of said person, partnership or corporation. (3) The legislation in which the person, partnership or corporation, thus represented by him is interested. (4) The compensation paid or agreed to be paid to, or received by said agent, attorney or representative for his services in behalf of said person, partnership or corporation.

I therefore protest against the paid lobby which has haunted our corridors, be that lobby from Ohio, or from the county of Jefferson, imported by the rich, or paid by the lowly sinner, because the influence of any lobby, as truly said by the governor, is debauching and destructive of ideals which members might desire to cherish.

BILLS ON THIRD READING.

S. 70. To repeal sections 1720 and 1742 of the Code of Alabama and to amend sections 1721, 1722, 1723, 1726, 1727, and 1741 of the Code of Alabama.

Was taken up. Mr. Lacy, of Walker, offered the following amendment to the Bill:

Amend Senate bill No. 70, by striking out the words "twenty four hundred" where they appear in the fourth line of said section and insert in lieu thereof the words "eighteen hundred."

On motion of Mr. Arnold, the amendment offered by Mr. Lacy, of Walker, was laid upon the table and the bill,

S. 70. To repeal sections 1720 and 1742 of the Code of Alabama and to amend sections 1721, 1722, 1723, 1726, 1727, and 1741 of the Code of Alabama.

Was read a third time at length, and passed.

Yeas, 60; nays, 1.

Yeas:

Messrs. Speaker	Garner	Parker
Alford	Glover	Pearson
Altman	Henley	Peete
Armstrong	Hoffman	Pitts (Perry)
Arnold	Hughes	Pugh
Avery	Jenkins	Rainer
Ballard (Autauga)	John	Ratray
Barton	Johnson	Rowe
Benners	Kirby	Rushton
Bloch	Lacy (Walker)	Sample
Burney	Lawsop	Sanders
Carmichael	Lee (Barbour)	Sanford
Cooper	Lee (Etowah)	Seale
Cranford	Lindsey	Sherrod
Crum	Mastin	Stollenwerck
Cunningham	Mayfield	Tarrant
Doyle (Marengo)	Mitchell	Tunstall
Dudley	Moore	Wittmeier
Edwards	McCrary	White (Lamar)
Fuller	McCurdy	Woolf

—60

Nays:

Mr. Cannon

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received from his excellency, the governor, the accompanying message, proposing an amendment to the bill,

S. 69. An act to amend sections 9, 14, 15, and 18 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon.

Montgomery, August 20th, 1909.

To the Senate:

I herewith return to you S. 69, and suggest the following amendment which will remove my objections to said bill:

After the words "County of Macon" in the second line of the caption, insert: "Be it enacted by the Legislature of Alabama."

B. B. COMER,
Governor.

And the Senate has concurred in and adopted the amendment proposed by the governor to the bill S. 69 by a majority vote of the whole number elected to the Senate. The vote on said proposed amendment being yeas, 27; nays, 0. And the Senate herewith sends the bill S. 69, together with the amendment proposed by the governor to the said bill to the House for its consideration.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the amendment proposed by the governor to the bill S. 69, the said amendment being set out in full in the above and foregoing Senate message.

Yeas, 59; nays, 0.

Yeas:

Messrs. Speaker	Burney	Garner
Alford	Cannon	Henley
Altman	Carmichael	Hoffman
Armstrong	Cooper	Hughes
Arnold	Cranford	Jenkins
Avery	Crum	John
Ballard (Autauga)	Cunningham	Killen
Ballard (Pike)	Doyle (Marengo)	Lacy (Walker)
Barton	Edwards	Lawson
Benners	Elrod	Lee (Barbour)
Bloch	Fuller	Mastin

Mayfield	Pratt	Sherrod
Mitchell	Pugh	Stollenwerck
Moore	Rainer	Tunstall
McCrory	Ratray	Vann
McCurdy	Rowe	White (Lamar)
McDuffie	Rushton	White (Perry)
Parker	Sanders	Williams (Lee)
Pearson	Sanford	Woolf
Pitts (Perry)	Seale	

—59

Which was a majority vote of the whole number elected to the House.

BILLS ON THIRD READING.

S. 80. To amend section 6 of an act approved July 17, 1907, entitled "An act to amend sections 6, 9, 10, 16, 17, 19 and 20 of an act entitled 'An act to provide for the redistricting of the public schools of the State and for the management and control of the same,' approved September 30, 1903.' "

Was read a third time at length, and passed; Yeas, 58; nays, 2.

Yeas:

Messrs. Speaker	Cunningham	Lindsey
Alford	Doyle (Clarke)	Mastin
Altman	Dudley	Mayfield
Armstrong	Edwards	Mitchell
Arnold	Fuller	Moore
Avery	Garner	McCrory
Ballard (Autauga)	Henley	Pearson
Ballard (Pike)	Hughes	Pitts (Perry)
Barton	Jenkins	Pugh
Benners	John	Rainer
Bloch	Killen	Ratray
Burney	King	Rushton
Cannon	Kirby	Sample
Carmichael	Lacy (Walker)	Sanders
Cooper	Lawson	Sanford
Cranford	Lee (Barbour)	Seale
Crum	Lee (Etowah)	Sherrod

Stollenwerck	Vann	White (Lamar)
Tunstall	Wittmeier	Woolf
Urquhart		

—58

Nays:		
Messrs.		
Hoffman	White (Perry)	—2

S. 117. To amend section 1339 of the Code of Alabama.

Was read a third time, at length and passed; Yeas, 54; nays, 3.

Yeas:

Messrs. Speaker	Jenkins	Rainer
Altman	John	Rattray
Armstrong	Johnson	Rowe
Arnold	Killen	Rushton
Avery	Lacy (Walker)	Sample
Barton	Lawson	Sanders
Benners	Lee (Barbour)	Sanford
Bloch	Mayfield	Seale
Burney	Mitchell	Sherrod
Carmichael	Moore	Stollenwerck
Cranford	McCrary	Tarrant
Crum	McCurdy	Tunstall
Cunningham	McDuffie	Urquhart
Dudley	Parker	Vann
Edwards	Pearson	Wittmeier
Garner	Peete	White (Lamar)
Henley	Pitts (Perry)	White (Perry)
Hughes	Pugh	Woolf

—54

Nays:		
Messrs.		
Ballard (Autauga)	Cannon	Cooper

—3

S. 79. (With substitute.) To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

Was taken up. Mr. John asked unanimous consent to withdraw the substitute reported by the standing committee on Judiciary. Consent was granted and the substitute was withdrawn.

And the bill,

S. 79. To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

Was read a third time, at length and passed; Yeas, 42; nays, 19.

Yeas:

Messrs. Speaker	Garner	Peete
Armstrong	Gunter	Pitts (Perry)
Arnold	Henley	Pugh
Ballard (Autauga)	Hoffman	Rainer
Ballard (Pike)	Jenkins	Rushton
Benners	John	Sanford
Bloch	Lacy (Walker)	Seale
Bulger	Lawson	Sherrod
Cranford	Mayfield	Stollenwerck
Crum	McCrary	Tarrant
Doyle (Marengo)	McCurdy	Tunstall
Dudley	McDuffie	Vann
Edwards	Parker	White (Perry)
Fuller	Pearson	Woolf

—42

Nays:

Messrs.

Altman	Cooper	Moore
Avery	Cunningham	Rattray
Baitzell	Hughes	Sample
Barton	Johnson	Sanders
Burney	Killen	Wittmeier
Cannon	Mitchell	White (Lamar)
Carmichael		

—19

REPORT OF CONFERENCE COMMITTEE.

Mr. Arnold, from the committee on Conference, heretofore appointed, on the disagreement of the two

Houses on the House amendment to the bill S. 107, made the following report:

Mr. Speaker:

The committee of Conference on the part of the House and the Senate, having under consideration Senate bill No. 107, hereby respectfully report and recommend as follows:

1st. That the House do recede from the substitute to said Senate bill No. 107.

2nd. That said Senate bill No. 107 be amended so as to read as follows:

A bill to be entitled an act to provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby created the office of official shorthand reporter of the city court of Anniston and the circuit court of Calhoun county, which official reporter shall be appointed by the judges of said courts. Said reporter shall be a competent and experienced court reporter, and shall hold office for four years, and until his successor is appointed and qualified. Said reporter shall be a sworn officer of said courts, and must take before either of the judges of said courts, the statutory oath of office, and in addition the following oath: "I do solemnly swear that I will faithfully and truly record in shorthand and transcribe in typewriting the oral testimony and proceedings which it shall become my duty to report and transcribe as reporter of the city court of Anniston and the circuit court of Calhoun county, so help me God." One of the judges of said courts may require said reporter to give bond in a sum not to exceed one thousand dollars for the faithful performance of his duties.

Section 2. That it shall be the duty of said reporter, in person or by competent assistant, to attend the ses-

sions of the city court of Anniston and the circuit court of Calhoun county, and whenever his services shall be required by the presiding judge or by any party to a suit pending in either of said courts, he shall take stenographic notes of the oral evidence and proceedings (except argument of counsel), noting the order in which same occur, recording all objections, the rulings of the court thereon and exceptions reserved thereto, together with the oral charge of the court to the jury and all exceptions reserved thereto. Shorthand notes as taken shall be read to the court by the reporter if required by the presiding judge, during the progress of the trial. Said reporter shall cause the original shorthand notes in each case to be properly indexed and filed in some safe and convenient place to be prescribed by the court, and the same shall be preserved by such reporter for at least two years from the date of trial of such case. Upon the written demand of any party applying for the same personally or by counsel, said reporter must prepare and file a transcript in typewriting of his stenographic notes, within forty days after such demand, which he must certify. The reporter shall be entitled to demand and receive from the party ordering a transcript, upon the delivery thereof, the sum of five cents per hundred words contained in such transcript, which if such transcript be ordered by a party to the cause, shall be taxed as part of the costs in such case; but he shall not transcribe documentary evidence unless requested by the party applying for such transcript. Provided that nothing herein contained shall preclude said official reporter from making an agreement to furnish under special conditions a transcript of any case in less than two weeks after demand is made for same. Said reporter may require sufficient security to cover the cost of the transcript to be deposited with the clerk of the court; provided that in criminal cases, if the defendant is ascertained by the presiding judge to be unable to pay the cost of the transcript, said judge may order the reporter to furnish said defendant a copy of the transcript, and the cost of same shall be reduced one-half and paid by the county, and taxed as other costs in the case.

Section 3. That said official reporter shall receive an annual salary of twelve hundred dollars, payable in monthly installments by warrant of the president of the board of county commissioners, drawn on the treasurer of Calhoun county.

Section 4. That said official reporter may attend either of said courts by competent assistant, to be approved by the presiding judge taken by the official reporter before performing any duties under the provisions of this act. The certified transcript of the official or assistant reporter shall be prima facie correct, and shall control in the event of disagreement relative to the matter reported.

Section 5. That said official reporter, or any assistant duly and legally appointed by him under the provisions of this act, shall, when requested by the solicitor of Calhoun county, be authorized and required to attend any of the sessions of the grand jury organized in the city court of Anniston, and to take notes of the evidence when requested by said solicitor to do so, in any case under investigation by such grand jury, and to transcribe said notes into typewriting and deliver the same to said solicitor for his use alone if a true bill be found by the grand jury in such case. Said reporter, or, if he acts through an assistant, said assistant reporter, shall be sworn to keep secret everything coming to his knowledge by reason of his presence in the grand jury room, and he shall not be present during the deliberations of the grand jury.

Section 6. That any party desiring a case to be reported in either of said courts shall request the services of the official reporter. In every case that is reported, whether a transcript of the testimony and proceedings be afterwards demanded or not, there shall be taxed as part of the costs the sum of ten dollars, which shall be collected as other costs in the case, and when collected shall be paid into the treasury of said county.

Section 7. That when the official reporter is engaged in the performance of his duties in said city court of Anniston, and his services or the services of a reporter

are ascertained by the presiding judge to be necessary in the circuit court of Calhoun county, an assistant reporter may be employed by the official reporter, which said assistant reporter shall be compensated by the payment to him of five dollars per diem for the number of days actually engaged in attendance on sessions of the court, which compensation shall be paid on the last day of each month in which the services are rendered, on certificate from the judge of said court, certifying the number of days so employed in said month and the amount due for such services, which certificate shall be payable on presentation to the president of the board of county commissioners of Calhoun county, who shall issue a warrant on the county treasurer for same. It shall be the duty of the official reporter to provide a competent assistant reporter for said purpose, and if any compensation for said assistant reporter be necessary other than that hereinbefore provided, the same shall be borne by the official reporter.

Section 8. That the board of county commissioners of Calhoun county shall assign to said official reporter, for his use as an office, a suitable and convenient room in the courthouse of said county; and that all stationery and office supplies to be used by such official reporter, in his capacity as such, shall be paid for by Calhoun county, upon order of the court of county commissioners in the manner now provided for the payment of stationery and office supplies used by the judge of probate of said county.

All of which is respectfully submitted,

FRANCIS O. HOFFMAN,

JOS. J. ARNOLD,

Conferees on part of the House.

FRED L. BLACKMON,

W. W. BARBOUR,

Conferees on part of the Senate.

And the report of the Conference committee was concurred in and adopted.

Yeas, 37; nays, 20.

Yeas:

Messrs.

Messrs. Speaker

Altman
Armstrong
Arnold
Ballard (Pike)
Barton
Benners
Bloch
Bulger
Burney
Carmichael
Cranford
Dudley

Edwards

Garner
Gunter
Hoffman
Hughes
Jenkins
John
Lacy (Walker)
Lawson
Lindsey
Mayfield
McCrary

McDuffie

Parker
Peete
Pugh
Rainer
Rowe
Rushton
Sanford
Seale
Sherrod
Tarrant
Tunstall

—37

Nays:

Messrs.

Avery

Cannon
Cooper
Cunningham
Doyle (Marengo)
Fuller
Killen

Lee (Barbour)

Mitchell
Moore
McCurdy
Pearson
Pitts (Perry)
Ratray

Sample

Stollenwerck
Vann
Wittmeier
White (Lamar)
White (Perry)

—29

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the following Senate bills:

S. 7. To authorize and empower the commissioners' court, board of revenue or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the support of those schools known as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes, and to repeal all laws and parts of laws in conflict therewith.

S. 66. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds to aid in the location and in the construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

J. A. KYLE,
Secretary.

RECESS.

The hour having arrived the House recessed until 8 o'clock to-night.

NIGHT SESSION.

The hour of 8 o'clock having arrived, the House reconvened.

PRIVILEGES OF THE FLOOR.

Were extended to United States Senator Jno. H. Bankhead.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted, the report of conference on the disagreement of the two houses on the House amendment to Senate bill No. 107.

J. A. KYLE,
Secretary.

S. 9. To provide a fund for compensation and expenses of the assistant bank examiners.

Was read a third time, at length and passed; Yeas, 49; nays, 5.

Yeas:

Messrs. Speaker	Killen	Rowe
Ballard (Autauga)	Kirby	Rushton
Ballard (Pike)	Lacy (Dallas)	Sample
Barton	Lawson	Sanders
Benners	Lee (Barbour)	Sanford
Bulger	Lee (Etowah)	Sherrod
Burney	Lee (Houston)	Smith (Elmore)
Carmichael	Lindsey	Smith (Lee)
Cooper	Mayfield	Tarrant
Cranford	Moore	Tunstall
Crum	McMillan	Urquhart
Cunningham	Norville	Vann
Doyle (Clarke)	Pearson	Wittmeier
Garner	Peete	White (Lamar)
Hughes	Pitts (Perry)	White (Perry)
John	Pugh	
Jones		

—49

Nays:

Messrs.

Arrington	Henley	Williams (Barbour)
Caunon	Mitchell	—5

S. 10. To amend section 3549 of the Code of Alabama.

Was read a third time, at length and passed; Yeas, 53; nays, 3.

Yeas:

Messrs.

Alford	Cunningham	Lacy (Walker)
Arrington	Doyle (Clarke)	Lawson
Ballard (Autauga)	Fuller	Lee (Barbour)
Barton	Garner	Lee (Etowah)
Bulger	Hughes	Lee (Houston)
Burney	John	Lindsey
Carmichael	Jones	Mayfield
Cooper	Killen	Moore
Cranford	King	McCrory
Crum	Lacy (Dallas)	McMillan

Norville	Sample	Tarrant
Pearson	Sanders	Tunstall
Peete	Sanford	Urquhart
Pitts (Perry)	Sherrod	Vann
Pratt	Smith (Elmore)	Wittmeier
Pugh	Smith (Lee)	White (Lamar)
Rowe	Stollenwerck	White (Perry)
Rushton		

—53

Nays:
Messrs.

Cannon	Mitchell	Williams (Barbour)
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—3

S. 67 Was taken up. On motion of Mr. Tunstall the bill
S. 67 was laid upon the table.

S. 62. To define and regulate negotiable instruments.

Was read a third time, at length and passed; yeas,
47; nays, 7.

Yeas:

Messrs. Speaker	Garner	Pratt
Arnold	Gunter	Pugh
Arrington	Henley	Rushton
Ballard (Autauga)	Hoffman	Sample
Ballard (Pike)	John	Sanders
Baltzell	Jones	Sanford
Barton	Killen	Seale
Benners	Kirby	Smith (Lee)
Bulger	Lacy (Dallas)	Stollenwerck
Burney	Lacy (Walker)	Tunstall
Cannon	Lawson	Urquhart
Cooper	Lee (Barbour)	Vann
Cranford	Lee (Etowah)	Wittmeier
Crum	Mayfield	White (Perry)
Doyle (Clarke)	Moore	Woolf
Fuller	McMillan	

—47

Nays:
Messrs.

Lee (Houston)	Sherrod	White (Lamar)
Mitchell	Smith (Elmore)	Williams (Barbour)
Rowe		

—7

S. 3. To amend section 4559 of the Code of Alabama, 1907.

Was read a third time, at length and passed; yeas, 54; nays, 1.

Yeas:

Messrs.

Messrs. Speaker	Hughes	Pitts (Perry)
Arrington	John	Pugh
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	Killen	Rushton
Baltzell	Kirby	Sample
Barton	Lacy (Dallas)	Sanders
Bulger	Lacy (Walker)	Seale
Burney	Lawson	Sherrod
Cannon	Lee (Barbour)	Smith (Elmore)
Carmichael	Lee (Etowah)	Smith (Lee)
Cranford	Lee (Houston)	Stollenwerck
Crum	Lindsey	Tarrant
Cunningham	Mayfield	Urquhart
Doyle (Clarke)	Mitchell	Vann
Fuller	Moore	Wittmeier
Garner	McCrary	White (Lamar)
Gunter	McMillan	White (Perry)
Henley	Peete	Williams (Barbour)

—54

Nays:

Mr. Cooper

—1

S. 5. To amend section 7189 of the Code of Alabama, 1907.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Banking and Insurance, said amendment being as follows:

Amend section 2 of the bill by adding at the end of said section 2, the following: Provided, however, that the provisions of this section shall not be construed to apply to medical examiners of insurance companies.

And the amendment was adopted.

Yeas, 61; nays, 3.

Yeas:

Messrs. Speaker	John	Pitts (Perry)
Arrington	Johnson	Rainer
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	Killen	Rushton
Barton	Kirby	Sample
Benners	Lacy (Walker)	Sanders
Burney	Lawson	Sanford
Cannon	Lee (Barbour)	Seale
Carmichael	Lee (Etowah)	Sherrod
Cooper	Lee (Houston)	Smith (Elmore)
Cranford	Lindsey	Smith (Lee)
Crum	Mayfield	Tarrant
Cunningham	Mitchell	Tunstall
Doyle (Marengo)	Moore	Turner
Edwards	McCrory	Urquhart
Fuller	McDuffie	Vann
Garner	McMillan	Wittmeier
Gunter	Parker	White (Lamar)
Henley	Pearson	White (Perry)
Hughes	Peete	Williams (Lee)
Jenkins		

—61

Nays:

Messrs.

Pugh	Stollenwerck	Williams (Barbour)
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—3

And the bill.

S. 5. To amend section 7189 of the Code of Alabama, 1907.

As amended, was read a third time, at length and passed; yeas, 55; nays, 9.

Was read a third time, at length and passed; yeas, 55; nays, 9.

Yeas:

Messrs. Speaker	Ballard (Pike)	Cannon
Alford	Baltzell	Carmichael
Arnold	Barton	Cranford
Arrington	Benners	Crum
Ballard (Autauga)	Burney	Cunningham

Fuller	Lee (Etowah)	Pugh
Garner	Lee (Houston)	Rainer
Gunter	Lindsey	Rowe
Henley	Mayfield	Rushton
Hughes	Mitchell	Sanford
John	Moore	Seale
Johnson	McCrory	Tarrant
Jones	McDuffie	Tunstall
Killen	McMillan	Turner
Kirby	Pearson	Urquhart
Lacy (Dallas)	Peete	Wittmeler
Lacy (Walker)	Pitts (Perry)	White (Lamar)
Lawson	Pratt	White (Perry)
Lee (Barbour)		

—55

Nays:
Messrs.

Cooper	Sanders	Stollenwerck
Parker	Sherrod	Vann
Sample	Smith (Elmore)	Williams (Barbour)

—9

S. 14. To amend Section 4558 of the Code of Alabama, 1907.

Was read a third time, at length and passed, Yeas, 41; nays, 15.

Yeas:

Messrs. Speaker	Henley	Peete
Arnold	Hughes	Pitts (Perry)
Ballard (Autauga)	Jenkins	Rowe
Ballard (Pike)	Jones	Rushton
Benners	Lawson	Sample
Burney	Lee (Barbour)	Sanders
Cannon	Lee (Etowah)	Seale
Carmichael	Lindsey	Tarrant
Cranford	Mayfield	Tunstall
Crum	Mitchell	Turner
Doyle (Clarke)	Moore	Urquhart
Fuller	McCrory	Wittmeier
Garner	McMillan	Woolf
Gunter	Pearson	

—41

Nays:

Messrs.

Baltzell	Lacy (Dallas)	Smith (Lee)
Cooper	Parker	Stollenwerck
Cunningham	Pugh	Vann
John	Sherrod	White (Lamar)
Killen	Smith (Elmore)	White (Perry)

—15

PROTEST FILED.

Mr. Mitchell filed the following protest which was ordered spread upon the Journal:

S. 79. To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

Under section 55 of the Constitution of Alabama, I hereby protest against the above act which I think is not necessary for the proper administration of the courts in Marion county. We do not need a stenographer as much as six days in any one year. The cost of such stenographer to the county will be ten times the amount of the fees collected therefor, and it is not right to tax the stenographer fee against a party to a suit unless he desires the services of a stenographer. We have not had a murder trial in the county within the past six years and during the last seventeen years I think there have been only four criminal cases, and they were not important, appealed to the supreme court from Marion county. During this time, I have heard only one citizen in the county say that we needed an official stenographer and I am thoroughly convinced that it will be burdensome and useless.

Respectfully submitted,

C. E. MITCHELL,

Representative from Marion County.

ADJOURNMENT.

On motion of Mr. Rowe, the House adjourned until 9:30 o'clock tomorrow.

TWENTIETH DAY.

House of Representatives,

Montgomery, Ala., Saturday, Aug. 21, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by the Rev. H. S. Lynch of Troy.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Edwards	Mitchell
Alford	Fuller	Moore
Altman	Garner	McCrary
Armstrong	Gunter	McCurdy
Arnold	Henley	McDuffie
Arrington	Hoffman	McMillan
Avery	Hughes	Norville
Ballard (Autauga)	Jenkins	Parker
Ballard (Pike)	John	Pearson
Baltzell	Johnson	Peete
Barton	Jones	Pitts (Perry)
Benners	Killen	Pratt
Bulger	Kirby	Price
Burney	Lacy (Dallas)	Pugh
Cannon	Lacy (Walker)	Rainer
Carmichael	Lawson	Ratray
Cooper	Lee (Barbour)	Rice
Cranford	Lee (Etowah)	Rowe
Crum	Lindsey	Rushton
Cunningham	Long (Morgan)	Sample
Doyle (Clarke)	Maner	Sanders
Doyle (Marengo)	Mastin	Sanford
Dudley	Mayfield	Seale

Sherrod	Tunstall	White (Lamar)
Smith (Elmore)	Turner	White (Perry)
Smith (Lee)	Urquhart	Williams (Barbour)
Stollenwerck	Vann	Williams (Lee)
Tarrant	Wittmeler	Woolf

—84

A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the nineteenth day and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in, and the Journal for the nineteenth day was approved.

BILLS ON SECOND READING.

Mr. Gunter, chairman of the standing committee on Municipal Organization, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 148. To authorize the sale, lease or disposition of an electric light plant, gas plant or water works plant owned by any town or city, or municipal corporation in this State.

The above and foregoing bill was read a second time, and placed on the calendar.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules, returned to the House a resolution which was adopted.

Rules Committee.

R. 85. Resolved, That the following bills be made special paramount and continuing orders for to-day, S. 72, 17, 21, 87, 74, 111, 143, 52, 129, 32, 33, 44, 51, 47, 48, 102, 92.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills :

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

H. 23. To provide for investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act.

H. 206. To amend section 985 of the Code of 1907.

H. 247. To amend an act entitled an act to amend section 5993 of the Code of Alabama. Approved November 23rd, 1907.

H. 54. To amend sections 6450, 6456, 6463 and 6465 of the Code of Alabama.

H. 277. To provide for the protection of secret orders, societies or fraternities.

H. 230. To amend an act to further regulate elections in the State of Alabama, approved November 23, 1907.

H. 27. To fix and regulate the right of voting of each stockholder in corporations organized under the laws of Alabama.

And has amended as therein shown and as amended has passed the following House bills :

H. 266. To amend section 6262 of the Code of Alabama.

Also,

H. 263. To regulate the writing of fire insurance, and to prohibit the furnishing of information concerning same to those not authorized by law to receive such in-

formation, and to provide penalties for violations of the provisions of this act.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Mitchell, the House concurred in and adopted the Senate amendment to the bill, H. 266, said Senate amendment being as follows:

Strike out the word "life" where it first occurs therein and insert in lieu thereof the words "a term not exceeding five years."

Yeas, 54; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Pitts (Perry)
Altman	John	Pugh
Armstrong	Johnson	Rainer
Avery	Jones	Rattray
Ballard (Autauga)	Lacy (Dallas)	Rushton
Ballard (Pike)	Lawson	Sample
Benners	Lee (Barbour)	Sanders
Bulger	Maner	Sanford
Burney	Mastin	Sherrod
Cannon	Mayfield	Smith (Elmore)
Carmichael	Mitchell	Smith (Lee)
Cranford	Moore	Stollenwerck
Crum	McCrary	Tarrant
Cunningham	McCurdy	Tunstall
Doyle (Clarke)	McMillan	Wittmeier
Doyle (Marengo)	Parker	White (Perry)
Fuller	Pearson	Williams (Barbour)
Hoffman	Peete	Woolf

—54

On motion of Mr. Rushton, the House concurred in and adopted the Senate amendment to the bill, H. 263, said Senate amendment being as follows:

Amend by adding at the end of section 1 the following: "Provided that nothing in this act shall be construed to affect or prevent bona fide re-insurance con-

tracts; and provided further that nothing in this act shall be construed to prevent members of rate making associations or bodies, from disclosing to other members of such associations or bodies, the rates, prices or premium at which insurance may be written."

Yeas, 55; nays, 1.

Yeas:

Messrs. Speaker	Hughes	Pitts (Perry)
Altman	John	Pugh
Armstrong	Johnson	Rainer
Arrington	Jones	Rattray
Avery	Killen	Rowe
Ballard (Autauga)	Lacy (Dallas)	Rushton
Ballard (Pike)	Lawson	Sanders
Baltzell	Lee (Barbour)	Sanford
Bulger	Maner	Sherrod
Burney	Mastin	Smith (Elmore)
Carmichael	Mayfield	Smith (Lee)
Cranford	Mitchell	Stollenwerck
Cunningham	Moore	Tarrant
Doyle (Clarke)	McCrory	Tunstall
Doyle (Marengo)	McCurdy	Wittmeier
Edwards	McMillan	White (Perry)
Fuller	Parker	Williams (Barbour)
Garner	Pearson	Woolf
Henley		

—55

Nays:

Mr. Hoffman

—1

BILL ON THIRD READING.

S. 72. To amend Article 5 of Chapter 141 of the Code, relating to printing and binding of the Alabama Reports.

Was read a third time, at length and passed; yeas, 57; nays, 2.

Yeas :

Messrs. Speaker	Garner	Peete
Alford	Henley	Pugh
Altman	Hughes	Rattray
Armstrong	John	Rowe
Arnold	Johnson	Rushton
Avery	Killen	Sample
Barton	Kirby	Sanders
Benners	Lacy (Dallas)	Sanford
Bulger	Lacy (Walker)	Sherrod
Burney	Lawson	Smith (Elmore)
Cannon	Lee (Barbour)	Smith (Lee)
Carmichael	Maner	Stollenwerck
Cranford	Mayfield	Tarrant
Crum	Mitchell	Tunstall
Cunningham	Moore	Turner
Doyle (Clark)	McCurdy	Vann
Doyle (Marengo)	McMillan	Wittmeter
Edwards	Parker	Williams (Barbour)
Fuller	Pearson	Woolf

—57

Nays :

Messrs.

Baltzell	Hoffman
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—2

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills and House Joint Resolution :

H. 95. To authorize a certified copy of a degree rendered by a court of competent jurisdiction of another State, relieving a non-resident minor of the disabilities of non-age, to be recorded in the probate office of any county in this State where, such minor owns property, and when so recorded the said decree to have the same force and effect in this State as in the State where rendered.

H. 69. To fix the time of holding the circuit court of Coffee county at Enterprise, Alabama.

H. 196. To repeal "An Act to repeal section 2455 of the Code of 1896 so far as the same applies to Marion county," approved December 5, 1900.

H. 211. To amend section 3613 of the Code of Alabama of 1907.

H. 260. To re-arrange the boundaries of the town of Oxford, Calhoun county, Alabama.

H. 238. To authorize the city of Graymont, Alabama, to issue negotiable bonds to the amount of twenty thousand dollars for the purpose of extending the sanitary sewer system of the city of Graymont, and for the purpose of acquiring a site and building a school house thereon and equipping the same.

H. J. R. 28. Relative to the right of the attorney general to retain "Attorney's tax fees" accruing in Federal courts.

H. 271. To better secure the enforcement of the laws of the State, to prescribe duties of sheriffs and solicitors in the enforcement of laws and to authorize their impeachment for willful neglect of duty.

H. 1. To provide for the relinquishment of business by mutual aid or industrial associations and corporations.

H. 320. To amend section 14 of No. 88, H. 338, approved the 26th day of February, 1907, to provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same, to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as

such. Defining the road year and those liable to road duty, the time they may be required to work, describing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

H. 28. To amend section 632 of the Code of Alabama.

H. 163. To repeal an act entitled an act to constitute a board of jury commissioners of Choctaw county, approved February 28, 1907.

H. 5. To amend section 7424 of the Code of Alabama, 1907.

H. 89. To vacate and annul the dedication of the following described highway or part of highway, in the city of Bessemer, Jefferson county, Alabama, and described according to the map and plat of Bessemer Land and Improvement Company; that part of the alley between 7th and 8th avenues and extending from 21st to 22nd street, entirely through block three hundred and eighty-five (385) and to close such portion of said alley as a public highway.

H. 73. To provide for license tax of one dollar on each dog over the age of four months kept in Dallas county, Alabama; to authorize the collection of the same, and the issuance of license, to prescribe penalties for the violation of provisions of said act, and the disposition of fines collected therefor, and for the disposition of the license taxes.

H. 62. To prohibit misrepresentations, rebating and discriminations by life insurance companies and prohibiting the issuance of certain special contracts and the sale and issuance of stocks, bonds or other securities in connection with the sale of life insurance.

H. 157. To amend sections 51 and 52 of the Political Code of 1907.

H. 61. To prohibit the display of nude pictures of a man, woman or girl in any public place, except art galleries.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House Joint Resolution, the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills :

H. 120. To vacate and annul the charter and dissolve the corporation of the city of Avondale.

H. 337. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof to the Morgan county law and equity court.

H. 363. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

H. 201. To provide for the payment of fees and necessary expenses incurred in the capture of criminals who flee into another State, and who, when captured, return without requisition from the governor.

And has amended as therein shown, and amended, has passed the following House bills :

H. 298. To amend an act entitled "An act to alter and re-arrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31st, 1907.

Also,

H. 246. To amend an act entitled "an act to provide for the organization, incorporation, government and reg-

ulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act" by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof and adding sections 94 1-2, 107 1-2, 137 1-2, 139 1-2, 140 1-2.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Henley, the House concurred in the Senate amendment to the bill, H. 29, said Senate amendment being as follows:

Amend section one of House bill 298 by striking out all the words in said section after the word "to wit," and substituting in lieu thereof the following:

Beginning at a point in the center of the Louisville & Nashville Railroad track at the south end of the trestle spanning Jernigan Mill Creek and running in a westerly direction and at right angles to said railroad track a distance of four hundred (400) yards; thence in a southerly direction and parallel to said railroad track to a point opposite Bay Branch trestle; thence running in an easterly direction to a point on the east right of way line of said railroad crossing said railroad on the south bank of Bay Branch; thence running a southerly direction and along the east right of way line of said railroad a distance of one half mile; thence in an easterly direction six hundred (600) yards, thence running in a northerly direction and parallel to said Louisville & Nashville Railroad track to a point; thence running in a westerly direction a distance of six hundred (600) yards to the point of beginning.

Yeas, 59; nays, 0.

Yeas:

Messrs. Speaker.	Arnold	Ballard (Pike)
Altman	Avery	Barton
Armstrong	Ballard (Autauga)	Benners

Bulger	Kirby	Rattray
Burney	Lacy (Dallas)	Rowe
Cannon	Lawson	Rushton
Carmichael	Lee (Barbour)	Sample
Cranford	Maner	Sanders
Crum	Mastin	Sanforu
Cunningham	Mayfield	Seale
Doyle (Clarke)	Mitchell	Smith (Elmore)
Doyle (Marengo)	Moore	Smith (Lee)
Edwards	McCrory	Stollenwerck
Garner	McCurdy	Tarrant
Gunter	McMillan	Tunstall
Henley	Peete	Turner
Hughes	Pratt	Wittmeier
John	Price	Williams (Barbour)
Johnson	Pugh	Woolf
Killen	Rainer	

—59

On motion of Mr. Gunter, the House nonconcurred in the Senate amendments to the bill H. 246, said Senate amendments being as follows:

Amend the caption of the bill by adding thereto the figures 76 $\frac{1}{2}$.

Amend section 2 of the bill by adding thereto section 76 $\frac{1}{2}$ as follows: Section 76 $\frac{1}{2}$. Any person violating the provisions of section 76 of said act shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than fifty dollars and not more than one thousand dollars and may also be sentenced to hard labor for not more than six months.

Amend the bill by striking out section 99a, and inserting in lieu thereof the following:

Section 99a: The governing authority of the city, or town shall require the street railroad company, or companies operating in such city, to sell books of tickets to pupils attending schools, good over all its lines, at the rate of three and one-eighth cents for each ticket, which may be used at any time during which the public schools are in session and to and from any place on said railroad within the county.

Amend the bill by adding to the last line thereof the figures 99 $\frac{1}{2}$.

Amend the bill by adding to section three of said bill at the end thereof the following as section 99 $\frac{1}{2}$.

Section 99 $\frac{1}{2}$. The council shall have the right by ordinance to regulate the schedules of street railways and to enforce the same by penalties upon the president of the companies or managers thereof as provided by this act.

Amend section 1 of the bill by striking out the word "publishable" where it occurs in section 36 and inserting the word "punishable;" and striking out the words "of over ten thousand inhabitants" in section 107 $\frac{1}{2}$ where it appears in section 3 of the bill; and striking out the word "appeal" where it occurs before the words "and contest the same" in the same section and inserting the word "appear;" and adding to section 139 $\frac{1}{2}$ in section three of the bill the following:

"Which municipality shall be empowered to make all assessments and do any and all acts necessary to complete the improvements on contracts made by the municipality absorbed and shall issue its bonds for said improvements when completed as was authorized by the municipality absorbed, and such city shall assume and be subject to all liabilities and rights of action of such absorbed city."

To amend the bill by adding section 131 $\frac{1}{2}$ as follows:

131 $\frac{1}{2}$. In addition to the notice hereinabove provided in section 131 of the assessment list, there shall be personal service on all property owners residing in this State, against whom assessments are made, ten days before the amounts of the assessments are fixed and if same are returned "not found" service may be made as to such persons not found, by publication.

To amend by striking out Sec. 107 $\frac{1}{2}$ of the bill.

To amend by striking out from the last part of section 63 the following words: "On appeals a solicitors fee may be imposed as required by ordinance as a part of the costs of the case." Said words are line 15 and the first four words on line 16 page 10 of the printed bill.

To strike out of section 3 of the bill section 140 $\frac{1}{2}$.

And on motion of Mr. Gunter a Committee of Conference was appointed.

The Speaker, named as Conferees on the part of the House Messrs. Gunter, Arnold and Tunstall.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution, to-wit:

"Resolved by the Senate, that the House be requested to return to the Senate House bill 246, and sends same herewith to the House.

J. A. KYLE,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate withdraws its request for return of House bill No. 246, and request return of resolution.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. John, the House accepted to the request of the Senate for the return of the resolution requesting the return of H. 246, and the said resolution was returned to the Senate.

BILLS ON THIRD READING.

S. 17. To amend section 4557 of the Code of Alabama of 1907.

Was taken up. Mr. Rushton offered the following amendment to the bill, S. 17.

Amend section 1, by striking out between the word "State" on line 16 and the words "shall pay" on line 19 the following words: On annually at the end of each year as long as any such company has any premiums income or other income from policy holders in this State.

And the amendment was adopted; yeas, 53; nays, 3.

Yeas:

Messrs. Speaker	Gunter	Pitts (Perry)
Altman	Henley	Pugh
Armstrong	Hughes	Rainer
Arnold	John	Rowe
Arrington	Johnson	Rushton
Ballard (Autauga)	Lawson	Sample
Baltzell	Lee (Barbour)	Sanders
Benners	Maner	Sanford
Bulger	Mastin	Sherrod
Burney	Mayfield	Smith (Elmore)
Cannon	Mitchell	Smith (Lee)
Carmichael	Moore	Tarrant
Cranford	McCrary	Tunstall
Crum	McCurdy	Turner
Doyle (Clarke)	McMillan	Urquhart
Doyle (Marengo)	Parker	Wittmeier
Edwards	Pearson	White (Perry)
Garner	Peete	

—53

Nays:

Messrs.

Cunningham	Hoffman	Jenkins
------------	---------	---------

—3

And the bill.

S. 17. To amend section 4557 of the Code of Alabama of 1907.

As amended, was read a third time, at length and passed; yeas, 59; nays, 1.

Yeas:

Messrs. Speaker	Benners	Edwards
Alford	Bulger	Garner
Altman	Burney	Gunter
Armstrong	Cannon	Henley
Arnold	Carmichael	Hughes
Arrington	Cranford	John
Avery	Crum	Johnson
Ballard (Autauga)	Cunningham	Killen
Baltzell	Doyle (Clarke)	Lacy (Dallas)
Barton	Doyle (Marengo)	Lawson

Lee (Barbour)	Peete	Seale
Maner	Pitts (Perry)	Sherrod
Mastin	Pugh	Smith (Lee)
Mayfield	Rainer	Stollenwerck
Mitchell	Rattray	Tarrant
Moore	Rowe	Tunstall
McCrary	Rushton	Urquhart
McCurdy	Sample	Wittmeler
McMillan	Sanders	Williams (Barbour)
Pearson	Sanford	

—59

Nays:

Mr. Hoffman

—1

S. 21. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523, and 7006 of the Code of Alabama, 1907 and to repeal section 1514, of the Code of Alabama, 1907.

Was read a third time, at length and passed; yeas, 60; nays, 0.

Yeas:

Messrs. Speaker	Garner	Pearson
Alford	Gunter	Peete
Altman	Henley	Pitts (Perry)
Arnold	Hughes	Price
Arrington	John	Pugh
Ballard (Autauga)	Johnson	Rainer
Ballard (Pike)	Jones	Rowe
Baltzell	Killen	Rushton
Barton	Kirby	Sample
Benners	Lacy (Dallas)	Sanders
Buiger	Lacy (Walker)	Sanford
Burney	Lawson	Seale
Cannon	Maner	Sherrod
Carmichael	Mayfield	Smith (Elmore)
Cooper	Mitchell	Stollenwerck
Crum	Moore	Tarrant
Cunningham	McCrary	Tunstall
Doyle (Clarke)	McCurdy	Urquhart
Doyle (Marengo)	McMillan	Vann
Edwards	Parker	Woolf

—60

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

Was taken. Mr. Mayfield offered the following amendment to the bill, S. 87:

Amend section 13, in line 6 by inserting after the word "of" and before the word "an" the following words, "a pharmacist."

And the amendment was adopted.

Yeas, 57; nays, 1.

Yeas:

Messrs. Speaker	Edwards	McCurdy
Alford	Fuller	McMillan
Altman	Garner	Parker
Armstrong	Gunter	Pearson
Arnold	Henley	Peete
Arrington	Hughes	Pitts (Perry)
Avery	John	Pugh
Ballard (Autauga)	Johnson	Rainer
Ballard (Pike)	Killen	Rattray
Barton	Kirby	Rowe
Benners	Lacy (Dallas)	Rushton
Bulger	Lacy (Walker)	Sample
Burney	Lawson	Sanders
Carmichael	Maner	Sanford
Cranford	Mastin	Seale
Crum	Mayfield	Stollenwerck
Cunningham	Mitchell	Tarrant
Doyle (Clarke)	Moore	Tunstall
Doyle (Marengo)	McCrory	Williams (Barbour)

—57

Nays:

Mr. Baltzell

—1

And the bill.

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

As amended, was read a third time, at length and passed; yeas, 59; nays, 1.

Yeas:

Messrs. Speaker	Dudley	McMillan
Alford	Garner	Pearson
Altman	Gunter	Peete
Armstrong	Henley	Pitts (Perry)
Arnold	John	Pugh
Arrington	Johnson	Rattray
Ballard (Autauga)	Jones	Rowe
Ballard (Pike)	Killen	Rushton
Baltzell	King	Sample
Barton	Lacy (Dallas)	Sanford
Benners	Lacy (Walker)	Seale
Bulger	Lawson	Sherrod
Burney	Lee (Barbour)	Stollenwerck
Carmichael	Maner	Tunstall
Cooper	Mastin	Urquhart
Cranford	Mayfield	Vann
Crum	Mitchell	Wittmeier
Cunningham	Moore	Williams (Barbour)
Doyle (Clarke)	McCrary	Woolf
Doyle (Marengo)	McCurdy	

—59

Nays:

Mr. Sanders

—1

S. 74. To amend section 5304 of the Code of 1907.

Was read a third time, at length and passed; yeas, 58; nays, 1.

Yeas:

Messrs. Speaker	Barton	Doyle (Marengo)
Alford	Benners	Garner
Altman	Bulger	Gunter
Armstrong	Burney	Henley
Arnold	Cannon	John
Arrington	Cooper	Johnson
Ballard (Autauga)	Cranford	Jones
Ballard (Pike)	Crum	Killen
Baltzell	Cunningham	Kirby

Lacy (Dallas)	McMillan	Seale
Lacy (Walker)	Pearson	Sherrod
Lawson	Peete	Smith (Elmore)
Lee (Barbour)	Pitts (Perry)	Stollenwerck
Maner	Pugh	Tarrant
Mastin	Rattray	Tunstall
Mayfield	Rowe	Vann
Mitchell	Rushton	Wittmeier
Moore	Sanders	Williams (Barbour)
McCrory	Sanford	Woolf
McCurdy		

—58

Nays:

Mr. Carmichael

—1

S. 111. To amend section 4335 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 43; nays, 12.

Yeas:

Messrs. Speaker	Jenkins	Rowe
Altman	Johnson	Rushton
Armstrong	Killen	Sample
Arnold	Lacy (Walker)	Sanders
Ballard (Autauga)	Lawson	Sanford
Ballard (Pike)	Mastin	Seale
Benners	Mayfield	Smith (Lee)
Burney	Mitchell	Stollenwerck
Carmichael	McCrory	Tarrant
Cranford	McMillan	Tunstall
Crum	Parker	Urquhart
Cunningham	Pearson	Wittmeier
Fuller	Peete	White (Perry)
Garner	Pitts (Perry)	
Hughes		

—43

Nays:

Messrs.

Alford	Doyle (Clarke)	Moore
Arrington	Doyle (Marengo)	McCurdy
Baltzell	Edwards	Pugh
Cannon	Henley	Rainer

—12

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two Houses, on Senate amendments to House bill 246.

Committee on part of the Senate Messrs. Blackmon, King and Barbour.

And returns same to the House.

J. A. KYLE,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed in the presence of the Senate the following Senate bills your signature thereto is requested:

S. 66. To authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds, to aid in the location and in the construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town.

S. 69. To amend sections 9, 14, 15 and 18 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon.

S. 70. To repeal sections 1720 and 1742 of the Code of Alabama and to amend sections 1721, 1722, 1723, 1726, 1727, and 1741 of the Code of Alabama.

S. 80. To amend section 6 of an act approved July 17, 1907, entitled "An act to amend sections 6, 9, 10, 16, 17, 19 and 20 of an act entitled 'An act to provide for the re-districting of the public schools of the State and for the management and control of the same,' approved September 30, 1903."

S. 134. An Act to amend section 3322 of the Code of 1907.

J. A. KYLE,
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING.

S. 143. To provide for better compensation of sheriffs in this State.

Was taken up. On motion of Mr. Pitts, of Perry, the Bill, S. 143 was laid on the table.

S. 52. To amend section 2868 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 61; nays, 1.

Yeas:

Messrs. Speaker	Garner	McMillan
Armstrong	Gunter	Parker
Arnold	Henley	Peete
Arrington	Jenkins	Pitts (Perry)
Ballard (Autauga)	John	Pugh
Ballard (Pike)	Johnson	Rainer
Baltzell	Jones	Rattray
Barton	Killen	Rowe
Benners	Kirby	Rushton
Bulger	Lacy (Dallas)	Sample
Burney	Lacy (Walker)	Sanders
Cannon	Lawson	Sanford
Carmichael	Lee (Barbour)	Seale
Cooper	Maner	Sherrod
Cranford	Mayfield	Smith (Elmore)
Crum	Mitchell	Smith (Lee)
Cunningham	Moore	Stollenwerck
Doyle (Clarke)	McCrary	Tarrant
Doyle (Marengo)	McCurdy	Tunstall
Edwards	McDuffie	Williams (Barbour)
Fuller		

Nays:

Mr. Altman

—1

S. 129. To relieve banking institutions conducted by individuals or firms or corporations organized under the laws of this State, from the payment of any municipal license tax.

Was taken up. On motion of Mr. White, of Perry, the bill S. 129, was laid on the table.

S. 32. To provide for the annual reports of registers in chancery, probate judges, sheriffs and clerks of courts of record, of all fiduciary funds in their hands in their official capacity.

Was read a third time, at length and passed; yeas, 58; nays, 1.

Yeas:

Messrs. Speaker	Fuller	Norville
Altman	Garner	Parker
Armstrong	Gunter	Pearson
Arnold	Henley	Peete
Arrington	Hughes	Pugh
Ballard (Autauga)	John	Rowe
Ballard (Pike)	Johnson	Rushton
Baltzell	Killen	Sample
Benners	Kirby	Sanders
Bulger	Lacy (Dallas)	Sanford
Burney	Lacy (Walker)	Seale
Cannon	Lawson	Sherrod
Carmichael	Maner	Smith (Elmore)
Cooper	Mastin	Smith (Lee)
Cranford	Mayfield	Stollenwerck
Crum	Mitchell	Tarrant
Cunningham	Moore	Tunstall
Doyle (Clarke)	McCrory	Vann
Doyle (Marengo)	McCurdy	Woolf
Edwards		

—58

Nays:

Mr. Rainer

—1

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills.

H. 312. For the relief of T. J. Faris, county surveyor of Marion county, Alabama, by authorizing the payment of \$86.90 to him, the amount allowed by law to him as such county surveyor under section 3640 of the Code of 1896 for making the surveys and plats therein provided for, in and for section 16, township 10, range 13, W., Marion county, Alabama, said work having been performed before the Code of 1907 became effective; to provide the manner of such payment and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said \$86.90 is concerned.

H. 358. To amend sections 2120, 2122, 2156, 2174, 2175 and 2158 of the Code of Alabama.

H. 359. To amend section 373 of the Code of Alabama 1907.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

BILLS ON THIRD READING.

S. 33. To amend section 6475 of the Code of Alabama.

Was taken, and on motion of Mr. Sample was laid on the table.

S. 44. To amend section 1804 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 59; nays, 2.

Yeas:

Messrs. Speaker	Bulger	Gunter
Alford	Burney	Henley
Altman	Carmichael	Jenkins
Armstrong	Cooper	John
Arnold	Cranford	Jones
Arrington	Crum	Killen
Ballard (Autauga)	Cunningham	Kirby
Ballard (Pike)	Doyle (Clarke)	Lacy (Dallas)
Baltzell	Doyle (Marengo)	Lacy (Walker)
Barton	Edwards	Lawson
Benners	Garner	Maner

Mayfield	Pugh	Smith (Elmore)
Mitchell	Rainer	Smith (Lee)
McCurdy	Ratray	Stollenwerck
McDuffie	Rowe	Tarrant
McMillan	Rushton	Tunstall
Parker	Sample	Vann
Pearson	Sanders	Williams (Barbour)
Peete	Seale	Woolf
Pitts (Perry)	Sherrod	

—59

Nays:
Messrs.

Cannon

Moore

—2

S. 51. To amend section 2411 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 54;
nays, 1.

Yeas:

Messrs. Speaker	Edwards	Pitts (Perry)
Alford	Garner	Pugh
Altman	Hughes	Rainer
Arnold	Jenkins	Ratray
Ballard (Autauga)	John	Rowe
Baltzell	Johnson	Rushton
Barton	Lacy (Walker)	Sample
Benners	Lawson	Sanders
Bulger	Lee (Barbour)	Sanford
Burney	Maner	Seale
Cannon	Mayfield	Smith (Lee)
Carmichael	Mitchell	Stollenwerck
Cooper	Moore	Tarrant
Crauford	McCurdy	Vann
Crum	McDuffie	Wittmeier
Cunningham	McMillan	White (Perry)
Doyle (Clarke)	Norville	Williams (Barbour)
Doyle (Marengo)	Parker	Woolf

—54

Nays:

Mr. Hoffman

—1

S. 47. To amend section 5882 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 56; nays, 6.

Yeas:

Messrs. Speaker	Doyle (Marengo)	Peete
Alford	Edwards	Pitts (Perry)
Altman	Garner	Pugh
Armstrong	Gunter	Rainer
Arnold	Henley	Rattray
Ballard (Autauga)	John	Rowe
Ballard (Pike)	Johnson	Rushton
Baltzell	Killen	Sample
Barton	Lacy (Dallas)	Sanders
Benners	Lacy (Walker)	Sanford
Bulger	Lawson	Sherrod
Burney	Lee (Barbour)	Smith (Lee)
Cannon	Maner	Tarrant
Carmichael	Mayfield	Tunstall
Cooper	Moore	Vann
Cranford	McCrary	Wittmeler
Crum	McCurdy	White (Perry)
Cunningham	McMillan	Woelf
Doyle (Clarke)	Parker	

—56

Nays:

Messrs.

Hoffman	Mitchell	Stollenwerck
Jenkins	Norville	Williams (Barbour)

—6

S. 48. (With substitute.) To amend section 5885 of the Code of Alabama.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Agriculture. Said substitute being as follows:

A bill to be entitled an act to amend section 5885 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, that section 5885 of the Code of Alabama be amended so as to read as follows:

5885. Who qualified to vote. All qualified electors who are bona fide residents in the precinct or precincts where the election is held shall be entitled to vote, and none others.

And the substitute was adopted.

Yeas, 59; nays, 1.

Yeas:

Messrs. Speaker	Fuller	Pugh
Alford	Garner	Rainer
Altman	Gunter	Rattray
Armstrong	Henley	Rowe
Arnold	Hughes	Rushton
Ballard (Autauga)	John	Sample
Ballard (Pike)	Jones	Sanders
Baltzell	Killen	Sanford
Barton	Lacy (Dallas)	Seale
Bulger	Lacy (Walker)	Sherrod
Burney	Lawson	Smith (Lee)
Cannon	Lee (Barbour)	Stollenwerck
Carmichael	Moore	Tarrant
Cooper	McCrary	Tunstall
Cranford	McCurdy	Urquhart
Crum	McDuffie	Vann
Cunningham	McMillan	Wittmeler
Doyle (Clarke)	Pearson	White (Perry)
Doyle (Marengo)	Peete	Woolf
Edwards	Pitts (Perry)	

—59

Nays:

Mr. Mitchell

—1

And the bill,

S. 48. To amend section 5885 of the Code of Alabama.

As amended by the substitute, was read a third time, at length and passed; yeas, 58; nays, 1.

Yeas:

Messrs. Speaker	Arnold	Barton
Alford	Ballard (Autauga)	Benners
Altman	Ballard (Pike)	Bulger
Armstrong	Baltzell	Burney

Cannon	Lawson	Rushton
Carmichael	Lee (Barbour)	Sample
Cooper	Maner	Sanders
Cranford	Moore	Sanford
Crum	McCrory	Seale
Cunningham	McMillan	Sherrod
Doyle (Clarke)	Norville	Smith (Lee)
Edwards	Parker	Stollenwerck
Garner	Pearson	Tarrant
Gunter	Peete	Tunstall
Henley	Pitts (Perry)	Turner
John	Pugh	Urquhart
Johnson	Rainer	Vann
Killen	Ratray	White (Perry)
Lacy (Dallas)	Rowe	Woolf
Lacy (Walker)		

—58

Nays:

Mr. Mitchell

—1

S. 102. To amend section 5231 of the Code of Alabama of 1907.

Was read a third time, at length and passed; yeas, 58; nays, 1.

Yeas:

Messrs. Speaker	Cunningham	Mastin
Alford	Doyle (Clarke)	Mayfield
Altman	Doyle (Marengo)	Mitchell
Armstrong	Edwards	Moore
Arnold	Fuller	McCurdy
Ballard (Autauga)	Garner	McDuffie
Ballard (Pike)	Gunter	McMillan
Baltzell	Henley	Parker
Barton	Hughes	Pearson
Benners	Jenkins	Peete
Bulger	John	Pitts (Perry)
Burney	Johnson	Pugh
Carmichael	Killen	Rainer
Cooper	Lacy (Dallas)	Rowe
Cranford	Lawson	Rushton
Crum	Lee (Barbour)	Sample

Sanders	Tarrant	Wittmeier
Sanford	Urquhart	White (Perry)
Seale	Vann	Woolf
Smith (Lee)		

—58

Nays:

Mr. Cannon.

—1

S. 92. To amend section 545 of chapter 17 of the Code.

Was read a third time, at length and passed; yeas, 55; nays, 3.

Yeas:

Messrs. Speaker	Killen	Pugh
Altman	Kirby	Rainer
Armstrong	Lacy (Dallas)	Rattray
Arnold	Lacy (Walker)	Rowe
Ballard (Autauga)	Lawson	Rushton
Barton	Lee (Barbour)	Sample
Benners	Maner	Sanders
Bulger	Mayfield	Sanford
Burney	Moore	Seale
Cannon	McCrary	Sherrod
Carmichael	McCurdy	Tarrant
Crum	McDuffie	Tunstall
Fuller	McMillan	Urquhart
Garner	Norville	Vann
Gunter	Parker	Wittmeier
Henley	Pearson	White (Lamar)
Hughes	Peete	Woolf
Jenkins	Pitts (Perry)	
John		

—55

Nays:

Messrs.

Hoffman	Smith (Lee)	Stollenwerck
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—3

S. 140. To repeal the local road laws applying to the county of Montgomery.

Was read a third time, at length and passed; yeas, 59; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Parker
Altman	Jenkins	Pearson
Armstrong	John	Peete
Arnold	Johnson	Pugh
Baltzell	Killen	Rainer
Barton	Kirby	Rattray
Benners	Lacy (Dallas)	Rowe
Bulger	Lacy (Walker)	Rushton
Burney	Lawson	Sample
Cannon	Lindsey	Sanders
Carmichael	Maner	Sanford
Cooper	Mastin	Seale
Cranford	Mayfield	Stollenwerck
Crum	Mitchell	Tarrant
Edwards	Moore	Turner
Fuller	McCrory	White (Lamar)
Garner	McCurdy	White (Perry)
Gunter	McDuffie	Williams (Barbour)
Henley	McMillan	Woolf
Hoffman	Norville	

—59

S. 86. To provide for the disposition of money to which minors are entitled.

Was read a third time, at length and passed; yeas, 62, nays, 0.

Yeas:

Messrs. Speaker	Cunningham	Lee (Barbour)
Alford	Edwards	Mayfield
Altman	Fuller	Mitchell
Ballard (Autauga)	Garner	Moore
Baltzell	Gunter	McCrory
Barton	Henley	McCurdy
Benners	Hughes	McDuffie
Bulger	Jenkins	McMillan
Burney	John	Norville
Cannon	Johnson	Parker
Carmichael	Killen	Pearson
Cooper	Lacy (Dallas)	Peete
Cranford	Lacy (Walker)	Pitts (Perry)
Crum	Lawson	Pugh

Rainer	Seale	Turner
Rattray	Sherrod	Vann
Rowe	Smith (Elmore)	Wittmeier
Rushton	Smith (Lee)	White (Perry)
Sample	Stollenwerck	Williams (Barbour)
Sanders	Tarrant	Woolf
Sanford	Tunstall	

—62

RESOLUTION.

The following resolution was introduced :

By Mr. John.

H. J. R. 86. Be it resolved by the House of Representatives, the Senate concurring, that the secretary of State of the State of Alabama, be and he is hereby authorized and directed to have printed and bound four thousand five hundred copies of the General and Local Acts of the present session of the Legislature of Alabama. That the said Acts shall be bound in one volume, the acts of a general character to appear first in the volume and the acts of a local or special character to appear last. The acts shall be printed, indexed and bound in all respects as now required by law.

Be it further resolved, that in making the distribution now provided by law, the secretary of State is hereby authorized and directed to distribute to every officer, library and school entitled to the General Acts of this present session the same number of copies of the General and Local Acts so bound in one volume as said officer, library or school is now entitled to receive.

And the resolution was adopted.

Yeas, 67; nays, 0.

Yeas:

Messrs. Speaker	Ballard (Pike)	Carmichael
Alford	Bartzell	Cooper
Altman	Barton	Cranford
Armstrong	Benners	Crum
Arnold	Bulger	Cunningham
Arrington	Burney	Edwards
Ballard (Autauga)	Cannon	Fuller

Garner	Moore	Sanders
Gunter	McCrory	Sanford
Henley	McCurdy	Seale
Hoffman	McDuffie	Sherrod
Hughes	Norville	Smith (Elmore)
Jenkins	Parker	Smith (Lee)
John	Pearson	Stollenwerck
Johnson	Peete	Tarrant
Killen	Pitts (Perry)	Tunstall
Lacy (Dallas)	Pugh	Urquhart
Lacy (Walker)	Rainer	Wittmeier
Lawson	Ratray	White (Lamar)
Lee (Barbour)	Rowe	White (Perry)
Maner	Rushton	Williams (Barbour)
Mayfield	Sample	Woolf
Mitchell		

—67

REPORT OF CONFERENCE COMMITTEE.

Mr. Sherrod, from the committee on Conference heretofore appointed on the disagreement of the two Houses on House amendment to Senate bill 40 made the following report:

President of the Senate:

Speaker of the House:

Your committee of Conference having under consideration Senate bill 40, report as follows:

We recommend that the House recede from its amendment, and that said Senate bill be amended to read as shown by attached:

MAX HAMBURGER, JR.,

J. J. KING,

Conferees Senate.

J. H. CRANFORD.

C. M. SHERROD.

A. M. TUNSTALL.

House Conferees.

A bill to be entitled an act, for the further protection of fish. To make it unlawful to use nets, seines or

other devices or substitutes for the same in streams or bodies of water emptying into the tide waters of this State for the purpose of catching or taking bass, fresh water trout or bream between April 1st and July 1st of each year. To legalize the use of hoop-nets and fish-traps in certain waters of this State.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person to use any net or seine or other device or substitute for the same purpose of catching or attempting to take or catch in any of the tide waters of this State, any bass, fresh water trout or bream, between April 1st and July 1st of each year.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$50.00 for each offense.

Section 2. That it is hereby made lawful for any person or persons to use hoop-nets in which bait is used to attract fish, and fish-traps with fingers or slats, not less than two and one-half inches apart, without any other device under, around and above the fingers, for the purpose of taking or catching fish in the streams of this State; Provided, that said fish-trap and wings of said trap, so used, shall not occupy more than one-half the width of the stream in which it is operated or located, when the said stream is at low water mark, provided that no hoop-net or trap shall be set or located within one-half mile below any dam or lock.

Any person operating a fish-trap, except as prescribed in this section or who takes or catches any bass, fresh water trout or bream, in any hoop-net or upon any fish-trap, unless the same be immediately restered to the waters from whence taken, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$10 nor more than \$25 for each offense.

Section 3. That it shall be lawful for any person to use seines or other devices for the purpose of taking or

catching fish in pools formed by streams that have ceased to run.

Section 4. That all fine and forfeitures arising under the provisions of this Act shall be disbursed as provided by section 6905 of the Code of Alabama, 1907.

And the report of the committee on Conference was concurred in and adopted.

Yeas, 53; nays, 4.

Yeas:

Messrs. Speaker	Johnson	Pugh
Altman	Killen	Ralner
Armstrong	Kirby	Rattray
Arnold	Lacy (Dallas)	Rushon
Ballard (Autauga)	Lacy (Walker)	Sample
Baltzell	Lawson	Sanders
Barton	Lee (Barbour)	Sanford
Benners	Maner	Seale
Bulger	Mayfield	Sherrod
Burney	Mitchell	Smith (Elmore)
Cannon	Moore	Stollenwerck
Carmichael	McCrary	Tarrant
Cooper	McMillan	Tunstall
Cranford	Norville	Wittmeier
Cunningham	Parker	White (Perry)
Edwards	Pearson	Williams (Barbour)
Jenkins	Peete	Woolf
John	Pitts (Perry)	

—53

Nays:

Messrs.

Crum	Garner	Smith (Lee)
Doyle (Clarke)		

—4

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until 12 o'clock noon Monday August 23, 1909.

TWENTY-FIRST DAY.

House of Representatives.

Montgomery, Ala., Monday, August 23, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by the Rev. J. O. Colley of Birmingham.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs. Speaker	Edwards	Mastin
Alford	Fuller	Mayfield
Altman	Garner	Mitchell
Armstrong	Gunter	Moore
Arnold	Haley	McCrory
Arrington	Henley	McDuffie
Ballard (Autauga)	Hughes	Norville
Ballard (Pike)	Jenkins	Parker
Baltzell	John	Pearson
Barton	Johnson	Peete
Benners	Jones	Pitts (Perry)
Bulger	Killen	Powell
Burney	King	Pratt
Cannon	Kirby	Pugh
Carmichael	Lacy (Dallas)	Rainer
Coleman	Lacy (Walker)	Rattray
Cooper	Lancaster	Rice
Cranford	Lawson	Rowe
Crum	Lee (Barbour)	Rushton
Cunningham	Lee (Etowah)	Sample
Doyle (Clarke)	Lindsey	Sanders
Doyle (Marengo)	Long (Butler)	Sanford
Dudley	Long (Morgan)	Seale

Sherrod	Tunstall	White (Lamar)
Smith (Elmore)	Turner	White (Perry)
Smith (Lee)	Urquhart	Williams (Barbour)
Stollenwerck	Vann	Williams (Lee)
Tarrant	Wittmeier	Woolf

—85

A quorum was present

JOURNAL.

The chairman of the standing committee on the revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal begs leave to report as follows:

We have examined the Journal for the twentieth day and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the twentieth day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. McCurdy, Bloch and McMillan, for the day.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. S. A. Lynn, of Decatur, for to-day.

REPORT OF THE RULES COMMITTEE.

Mr. John, from the standing committee on Rules returned to the House the following resolutions with a favorable report:

Rules Committee.

H. R. 87. Resolved, that the following bills be made special orders in the order named after the call of com-

mittees, S. 15 S. 55, S. 128, S. 131, S. 36, S. 127, S. 148, S. 73, S. 50, S. 152, S. 137.

And that the House remain in session to-day until 6 o'clock p. m., and that a recess be had from 1 to 3 o'clock.

By rules committee.

H. R. 88. Resolved by the House, That the clerk of the House, the assistant clerk of the House, and two assistants to be named by the clerk are hereby allowed three weeks after the final adjournment of the House at the same per diem now allowed by law to complete the work of the Legislature.

And the resolutions were adopted.

BILL ON SECOND READING.

Mr. Long, of Butler, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

S. 105. (With amendment.) To regulate the packing and sale or other disposition of feed stuffs.

The above and foregoing bill was read a second time, and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Long, of Butler, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 110. To regulate the operation of automobiles, locomobiles, motor bicycles, and other motor vehicles of like kind in the State of Alabama.

Mr. Rushton, acting chairman of the standing committee on Revision of Laws, reported that said committee

in session had acted on the following bills, and ordered same returned to the House with an adverse report:

H. 274, H. 302, H. 177, H. 287, H. 84.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Arnold moved to take the bill, S. 118, from the adverse calendar and the motion prevailed and the Bill.

S. 118. To perpetuate the United States Government surveys in the State of Alabama.

Was read a second time and placed on the calendar.

BILLS ON THIRD READING.

S. 15. To amend section 2089 of the Code of Alabama, 1907.

Was read a third time, at length and passed; yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Henley	Peete
Armstrong	Hughes	Pitts (Perry)
Arnold	Jenkins	Pratt
Ballard (Pike)	John	Pugh
Barton	Johnson	Rainer
Benners	Jones	Rattray
Bulger	Killen	Rice
Burney	King	Rowe
Cannon	Lacy (Walker)	Rushton
Carmichael	Lawson	Sanford
Cooper	Lee (Barbour)	Sherrod
Cranford	Lindsey	Stollenwerck
Crum	Mastin	Tarrant
Cunningham	Mayfield	Tunstall
Doyle (Clarke)	Mitchell	Urquhart
Doyle (Marengo)	Moore	Wittmeier
Edwards	McCrory	White (Perry)
Garner	Parker	Williams (Barbour)
Haley	Pearson	Williams (Lee)

—57

S. 55. To amend section 5765 of the Code of Alabama of 1907.,

Was read a third time, at length and passed; yeas, 53; nays, 6.

Yeas:

Altman	John	Peete
Armstrong	Johnson	Pitts (Perry)
Arnold	Jones	Pugh
Ballard (Autauga)	King	Rainer
Barton	Lacy (Dallas)	Rattray
Benners	Lacy (Walker)	Rice
Bulger	Lawson	Rowe
Burney	Lee (Barbour)	Rushton
Carmichael	Lindsey	Sanders
Cranford	Long (Butler)	Sanford
Cunningham	Long (Morgan)	Sherrod
Doyle (Marengo)	Mastin	Smith (Lee)
Dudley	Mayfield	Stollenwerck
Gunter	Mitchell	Tarrant
Haley	McCrary	Urquhart
Henley	Norville	White (Perry)
Hughes	Parker	Williams (Barbour)
Jenkins	Pearson	

—53

Nays:

Messrs.

Baltzell	Doyle (Clarke)	Moore
Cooper	Killen	Tunstall

—6

S. 128. To amend section 2047 of the Code of Alabama.

Was read a third time, at length and passed; yeas 58; nays, 5.

Yeas:

Messrs. Speaker	Carmichael	Henley
Armstrong	Coleman	Hughes
Arnold	Cranford	Jenkins
Ballard (Autauga)	Crum	John
Ballard (Pike)	Cunningham	Johnson
Baltzell	Doyle (Clarke)	Jones
Benners	Dudley	Killen
Bulger	Garner	King
Burney	Haley	Kirby

Lacy (Walker)	Pearson	Sanders
Lawson	Peete	Sanford
Lee (Barbour)	Pitts (Perry)	Seale
Lindsey	Pratt	Sherrod
Long (Morgan)	Pugh	Tarrant
Mayfield	Rainer	Tunstall
Mitchell	Rattray	Urquhart
Moore	Rice	Vann
McCrory	Rowe	Wittmeier
Norville	Rushton	Williams (Barbour)
Parker		—58

Nays:

Messrs.

Cooper	Smith (Lee)	Williams (Lee)
Long (Butler)	Stollenwerck	

—5

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in, and adopted the report of the Conference Committee on the disagreement of the two Houses on the House amendment to

S. 40. For the further protection of fish. To make it unlawful to use nets, seines or other devices or substitutes for the same in streams or bodies of water emptying into the tide waters of this State, for the purpose of catching or taking bass, fresh water trout or bream between April 1st and July 1st of each year. To legalize the use of hoop-nets and fish traps in certain waters of this State.

Yeas, 21 ; nays, 0.

Which was a majority of the whole number elected to the Senate.

And has concurred in the House amendments to the following Senate Bills:

S. 48, to amend section 5885 of the Code of Alabama.

S. 5. To amend section 7189 of the Code of Alabama, 1907.

S. 17. To amend section 4557 of the Code of Alabama of 1907.

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away or other disposition.

And has amended as therein shown and as amended has passed.

H. 128. To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling or grand and petit juries in all the courts of this State.

And returns same herewith to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. John, the House concurred in and adopted the Senate amendment to the bill, H. 128, said Senate amendment being as follows:

Amendment to House Bill 128.

Amend section 5 of the bill by striking therefrom the words "fifty thousand" wherever they occur in said section and inserting in lieu thereof the words "seventy-five thousand."

Amend section 15 of the bill by adding after the words "names of" and before the words "fifty persons" the words "not less than."

Also amend said section by adding after the words "for that term" and before the words "thirty persons" the words "at least."

Amend section 18 of the bill by adding at the end thereof the following:

If petit juries are needed for any week or weeks of the term after the first week, the judge, or any two judges of said court, if there are more than one judge, shall, in like manner at such times as to him, or them may seem best draw from the jury box such number of names, not

less than thirty, for each of such subsequent weeks, as will, in the discretion of said judge, or judges, be sufficient for the week for which the same are drawn: Provided that no name shall be drawn for any week after the first week of the term more than twenty days before the first day that such juror is to serve.

The clerk shall issue venire for the jurors so drawn and they shall be summoned for their respective weeks and sworn and impanelled in the same manner as petit jurors for the first week of the term.

Amend section 32 of the bill by striking out all after the word "provided," and inserting the following: That in all civil cases tried by jury the right of challenge and the number of challenges for each party and the right to have a struck jury, shall remain as now provided by law, but in every criminal case, the jury shall be drawn, selected and impanelled as follows:

Upon the trial by jury in any court of any person indicted for a misdemeanor, or felonies not punished capitally, the court shall require two lists of all the regular jurors impanelled for that week, who are competent to try the defendant, to be made, and the solicitor shall be required first to strike from the list the name of one juror and the defendant shall strike two, and they shall continue to strike off names alternately until only twelve jurors remain on the list, and these twelve thus selected shall be the jury charged with the trial of the case. In case two or more persons are tried jointly, the solicitor shall strike one and each defendant shall have the right to strike off one name, and they shall continue thus to strike off names until only twelve remain and the twelve thus selected shall be the jury charged with the trial of the defendant.

If for any cause the regular number of jurors competent to try the defendant is reduced below twenty-four, the court must cause twice the number of the deficiency, who live within five miles of the court house, or who live within the corporate limits of any city of ten thousand or more inhabitants in which the court is held to be drawn and summoned and the names of those appearing, who are competent to try the defendant, must be placed

on the list of regular jurors for that week, and the solicitor and defendant shall in like manner, as heretofore provided, be required to strike from the list thus made up, the names of the jurors as provided until only twelve remain, who shall be the jury charged with the trial of that case.

Whenever any person or persons stands indicted for a capital felony, the court must on the first day of the term, or soon as practicable thereafter, make an order commanding the sheriff to summon not less than fifty nor more than one hundred persons including those drawn and summoned on the regular juries, for the weeks set for the trial of the case, and shall then in open court draw from the jury box the number of names required with the regular jurors drawn and summoned for the week set for the trial to make the number named in the order, and shall cause an order to be issued to the sheriff to summon all persons therein named to appear in court on the day set for the trial of the defendant and must cause a list of the names of all the jurors summoned for the week in which the trial is set, and those drawn as provided in this section, together with a copy of the indictment, to be forthwith served on the defendant by the sheriff, and the defendant shall not be entitled to any other or further notice of the jurors summoned or drawn, for his trial nor of the charge or indictment upon which he is to be tried. On the day set for the trial, if the cause is ready for trial, the court must inquire into and pass upon the qualifications of all the persons who appear in court in response to the summons to serve as jurors, and shall cause the names of all those whom the court may hold to be competent jurors to try the defendant or defendants to be placed on lists, and if there is only one defendant on trial shall require the solicitor to strike off one name and the defendant to strike off two names, and in case there are two or more defendants on trial the solicitor shall strike one and every defendant shall strike one name and they shall in this manner continue to strike names from the list until only twelve names remain thereon. The twelve thus selected shall be sworn and impanelled as required by law for the

trial of the defendant or defendants. If in any capital case the number of competent jurors shall be less than twenty before requiring any of them to be stricken off the court must draw as prescribed in this act and have summoned, enough qualified jurors who are within or live within five miles of the court house, or who live within the corporate limits of a city of ten thousand or more inhabitants in which the court is held to increase the number to at least thirty, and have their names placed on the list with other competent jurors, and shall then require the solicitor and the defendant or defendants to strike from the list as provided in this section, the number of jurors that each may be entitled to strike off until only twelve remain thereon. And these twelve shall be sworn and impanelled as the jury for the trial of the defendant or defendants. If any defendant or defendants should refuse to strike the number of jurors allowed him by this act from the list furnished him, under the direction of the court, then the presiding judge shall proceed to strike off all of the names on the list except those stricken off by the solicitor, until there remains only twelve, and these shall constitute the jury for the trial of the defendant or defendants. If the sheriff fails to summon any of the jurors drawn, or any juror summoned fail or refuse to attend the trial, or there is any mistake in the name of any juror drawn or summoned, none or all of these grounds shall be sufficient to quash the venire or continue the cause; Provided further that whenever the judge of any court trying capital felonies shall deem it proper to set two or more capital cases for trial for the same day said judge may draw and have summoned one jury or one venire facias of petit jurors for the trial of all such cases so set for trial on the same day.

Yeas, 53; nays, 10.

Yeas:

Messrs. Speaker	Ballard (Pike)	Coleman
Armstrong	Benners	Cooper
Arnold	Bulger	Cranford
Arrington	Burney	Crum
Ballard (Autauga)	Carmichael	Cunningham

Doyle (Clarke)	Lawson	Ralner
Doyle (Marengo)	Lee (Etowah)	Rattray
Dudley	Lindsey	Rice
Fuller	Long (Morgan)	Rowe
Garner	Mastin	Rushton
Haley	Mayfield	Sample
Henley	Moore	Sanford
Hughes	McCrary	Smith (Lee)
John	Parker	Stollenwerck
Johnson	Pearson	Tarrant
Jones	Pitts (Perry)	Urquhart
Killen	Pratt	Williams (Lee)
King	Pugh	

—53

Nays:

Messrs.

Baltzell	Lee (Barbour)	Smith (Elmore)
Barton	Mitchell	Tunstall
Cannon	Sherrod	Williams (Barbour)
Lacy (Walker)		

—10

CHIEF EXECUTIVE DEPARTMENT, ALABAMA.

To the House of Representatives:

I am directed by the governor to transmit to you a message in writing with accompanying documents.

JOHN D. MCNEAL,

Private Secretary.

Aug. 23, 1909.

GOVERNORS MESSAGE.

On motion of Mr. Lindsey, the House concurred in and adopted the amendment proposed by the governor to the bill H. 145, said governor's amendment being as follows:

To the House of Representatives:

I return herewith House bill 145, and suggest the following amendments to meet by objections to said bill:

Amend section 1 of said bill by striking out the last sentence in said section commencing with the words, "The compensation and expenses to which an examiner" and on to the end of said section, and in lieu thereof add the following to said section one: "Immediately after the completion of examinations in which the revenue of any of the several counties is affected, the examiner making such examination, shall make out an account, under oath, for and in the name of the State against such county for approximately the number of days engaged in the examination for such county at the rate of seven dollars and fifty cents per day and for an equitable proportion of the actual railroad fare incurred by the examiners in going to and from such county and file same with the commissioner's court or other court of like jurisdiction of said county, and forward a duplicate thereof to the State auditor. Said commissioner's court or other court of like jurisdiction, shall at its first meeting draw a warrant on the county treasurer of said county in favor of the State, for the amount of such account and forward same to the auditor, and it shall be the duty of the county treasurer to pay the same. Should any commissioners court or other court of like jurisdiction fail or refuse to pay any account filed by any examiner under this section, it shall be the duty of the State auditor to deduct said amount from any moneys due said county by the State."

B. B. COMER,
Governor.

August 23rd. 1909.

Yeas, 64; nays, 1.

Yeas:

Messrs. Speaker	Benners	Doyle (Clarke)
Armstrong	Bulger	Doyle (Marengo)
Arnold	Burney	Dudley
Arrington	Carmichael	Edwards
Ballard (Autauga)	Cooper	Garner
Ballard (Pike)	Cranford	Haley
Baltzell	Crum	Henley
Barton	Cunningham	Hughes

John	Mayfield	Rowe
Johnson	Mitchell	Rushton
Jones	Moore	Sanford
Killen	McCrory	Seale
King	Norville	Sherrod
Kirby	Pearson	Smith (Lee)
Lacy (Dallas)	Peete	Stollenwerck
Lacy (Walker)	Pitts (Perry)	Tarrant
Lawson	Pratt	Urguhart
Lee (Barbour)	Pugh	Vann
Lee (Etowah)	Rainer	White (Perry)
Lindsey	Rattray	Williams (Barbour)
Long (Morgan)	Rice	Woolf
Mastin		

—64

Nays:

Mr. Sample

—1

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 298. To amend an act entitled "An Act to alter and re-arrange the boundaries of the town of Pollard, extending the corporate limits of said town," approved July 31, 1907.

H. 277. To provide for the protection of secret orders, societies or fraternities.

H. 363. To provide for the election of a county solicitor for Monroe county, to define his duties and to fix his compensation.

H. 202. To create and establish the Marengo Law and Equity Court for Marengo county.

H. 263. To regulate the writing of fire insurance, and to prohibit the furnishing of information concerning same to those not authorized by law to receive such information, and to provide penalties for violations of the provisions of this act.

H. 230. To amend an act to further regulate elections in the State of Alabama, approved November 23, 1907.

H. 27. To fix and regulate the right of voting of each stockholder in corporations organized under the laws of Alabama.

H. 120. To vacate and annul the charter and dissolve the corporation of the city of Avondale.

H. 337. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes and everything pertaining to such causes pending in said court, by the clerk thereof to the Morgan County Law and Equity Court.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

RECESS.

The hour of one o'clock having arrived the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. R. A. Porter, and Hon. H. W. Caffin, of Birmingham and to Prof. H. H. Holmes of Baldwin for this afternoon.

BILL ON THIRD READING.

S. 131. To create a State board of veterinary examiners in the State of Alabama, to provide for the appointment of the members of such board; to prescribe the place and time of meeting thereof; to provide for rules governing the application and issuing of license to practice as a veterinarian; to fix fees for such application; to define veterinary medicine and surgery; to provide for compensation and expenses of said board; to prescribe penalties for the violation of the provision of this act and for other purposes.

Was taken up. Mr. Smith, of Elmore, offered the following amendment to the Bill;

Amend section 6 by striking out all of said section after the word "same" where it occurs on line eight of said section and before the word "but" and insert after the word "same" the following: "But nothing in this act shall so be construed as to prevent any person who does not hold himself out as a regular practitioner of veterinary medicine and surgery to treat, operate upon or prescribe for any, physical ailment of injury or deformity of any domestic animal and to make a charge for such services.

And the amendment was adopted.

Yeas, 55; nays, 2.

Yeas:

Messrs. Speaker	Carmichael	Edwards
Armstrong	Coleman	Garner
Arrington	Cooper	Gunter
Ballard (Autauga)	Cranford	Haley
Barton	Crum	Henley
Bulger	Cunningham	John
Burney	Doyle (Clarke)	Johnson
Cannon	Dudley	Jones

Kirby	Pugh	Smith (Lee)
Lacy (Walker)	Rainer	Stollenwerck
Lawson	Rice	Tarrant
Long (Morgan)	Rowe	Tunstall
Mitchell	Rushton	Turner
Moore	Sanders	Urquhart
McCrary	Sanford	Vann
Parker	Seale	White (Perry)
Peete	Sherrod	Williams (Lee)
Pitts (Perry)	Smith (Elmore)	Woolf
Pratt		

—55

Nays:

Messrs.

Baltzell

Pearson

—2

On motion of Mr. Tunstall, the bill, S. 131, and amendment were laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the conference committee on the disagreement of the two Houses on the Senate amendments to the bill:

H. 246. To amend an act entitled "an act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act" by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof and adding sections 94 1-2, 99a, 107 1-2, 137 1-2, 139 1-2, 140 1-2.

Yeas, 23; nays, 0.

Which was a two-thirds majority of the whole number elected to the Senate.

And the Senate herewith sends to the House the report of the committee of conference for the consideration and action of the House, and returns the said bill, H. 246, herewith to the House.

J. A. KYLE, Secretary.

On motion of Mr. Gunter, the House concurred in and adopted the report of the conference committee on the disagreement of the two Houses on the Senate amendments to the bill, H. 246. The said report of the committee of conference being as follows :

To the Speaker of the House of Representatives of the State of Alabama; to the President of the Senate of the State of Alabama.

Mr. Speaker :

Mr. President :

Your committee, composed of Messrs. Gunter, Arnold, and Tunstall, from the House, and Messrs. Blackmon, King and Barbour, from the Senate, appointed to confer upon the non-concurrence of the House with Senate amendments to House bill 246, entitled "A bill to be entitled an act to amend an act entitled 'an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act' by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof, and adding sections 94 1-2, 99a, 107 1-2, 137 1-2, 139 1-2, 140 1-2," beg leave to report and recommend :

That the Senate recede from its amendments and in lieu of the amendments offered in the Senate the conference committee proposes the following amendment :

Amend section 2 of the bill by striking out the word "publishable" where it occurs in section 36 and inserting the word "punishable;" and adding to section 139 1-2 in section III of the bill the following: "Which municipality shall be empowered to make all assessments and do any and all acts necessary to complete the improvements on contracts made by the municipality absorbed and shall issue its bonds for said improvements when completed, as was authorized by municipality absorbed, and such city shall assume and be subject to all liabilities and rights of action of such absorbed city."

Amend the title of the bill by adding thereto the figures "76 1-2" and amend section II of the bill by adding section 76 1-2 as follows: "Section 76 1-2. Any person violating the provisions of section 76 of said act shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than fifty dollars and not more than one thousand dollars and may also be sentenced to hard labor for not more than six months."

Amend the title by striking out the figures "99a" and amend the bill by striking out section 99a in section III of the bill.

Amend section II of the bill by striking out the following words: "On appeals, a solicitor's fee may be imposed in such amount as required by ordinance, as a part of the costs of the case," where they appear in the last clause of section 63.

Amend the bill by striking out the figures "140 1-2" in the title and striking out section 140 1-2 in section III of the bill.

Amend section 107 1-2 in section III of the bill by striking out the word "ten" in the first line of section 107 1-2 and inserting the word "thirty" in lieu thereof; and striking out the word "appeal" where it occurs before the words "and contest the same" in the same section and inserting the word "appear" in lieu thereof; and by adding to section 107 1-2, at the end thereof, the words "This section, however, shall not affect the right of the tax commission of the State to raise or lower or fix valuations as now provided by law." And strike out words "as prima facie correct and shall," and insert in lieu thereof "and may."

GASTON GUNTER,
JAS. J. ARNOLD,
A. M. TUNSTALL,

Committee of Conference from the House.

FRED L. BLACKMON,
W. W. BARBOUR,
J. J. KING,

Committee of Conference from the Senate.

Yeas, 57; nays, 2.

Yeas:

Messrs. Speaker	Haley	Pugh
Armstrong	Hughes	Rainer
Arnold	Jenkins	Rice
Ballard (Autauga)	John	Rowe
Barton	Johnson	Rushton
Bartzell	Jones	Sample
Benners	Killen	Sanders
Bulger	Kirby	Sanford
Burney	Lacy (Walker)	Seale
Carmichael	Lawson	Sherrod
Coleman	Lee (Etowah)	Smith (Lee)
Cooper	Lindsey	Stollenwerck
Cranford	Moore	Tarrant
Crum	McCrory	Tunstall
Doyle (Marengo)	Parker	Urquhart
Dudley	Pearson	Vann
Edwards	Peete	White (Perry)
Garner	Pitts (Perry)	Williams (Lee)
Gunter	Pratt	Woelf

—57

Nays:**Messrs.**

Cannon	Mitchell
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—2

MESSAGE FROM THE SENATE.**Mr. Speaker:**

The Senate has passed the following House bills:

H. 150. To amend section 1650 of the Code of 1907.

H. 267. To regulate the conduct of the retail beverage business so that it may not be made the means of evading and violating the prohibitory liquor laws of the State, and to prescribe remedies and procedure for securing compliance with this act.

H. 286. To adopt a Code.

And has amended as therein shown, and as amended has passed the following House bills:

H. 104. To revoke the license or right to engage in or carry on any business, or to have any agency or place of

business in this State, of any foreign corporation which is authorized by its charter to manufacture, sell or otherwise dispose of alcoholic, spirituous, vinous, or malt liquors, or any liquor or beverage prohibited by the law of Alabama to be manufactured, sold or otherwise disposed of in this State, or which is engaged in the manufacture or sale of such liquors or any of them, in the State of its creation, or elsewhere, or which is engaged in or carries on in the State of its creation or elsewhere, any business which is unlawful for any domestic corporation or citizen of Alabama to engage in or carry on in this State; and to prohibit the entry of such foreign corporations into this State and the grant to them by any officer of the State of Alabama of a license to engage in business of any kind or to have any agency or place of business in this State, and to prescribe penalties for the violation of this act.

Also,

H. 156. In relation to social clubs, and societies for the social or literary advancement of their members or both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence; to revoke the charter of those not complying with this act; and to prescribe penalties.

Also,

H. 296. To amend section 572 of the Code of Alabama.

Also,

H. 179. To alter and amend section two thousand and forty-seven (2047) of the Code of Alabama and to make an additional appropriation for repairs and insurance for the confederate soldiers' home at Mountain Creek.

Also,

H. 111. To vacate and annul the charter and dissolve the corporation of the city of East Lake.

Also,

H. 112. To vacate and annul the charter and dissolve the corporation of the city of West End.

Also,

H. 114. To vacate and annul the charter and dissolve the corporation of the city of Graymont.

Also,

H. 115. To vacate and annul the charter and dissolve the corporation of the city of North Haven.

Also,

H. 116. To vacate and annul the charter and dissolve the corporation of the city of Elyton.

Also,

H. 118. To vacate and annul the charter and dissolve the corporation of the city of Pratt City.

Also,

H. 117. To vacate and annul the charter and dissolve the corporation of the city of North Birmingham.

Also,

H. 121. To vacate and annul the charter and dissolve the corporation of the city of Woodlawn.

And herewith returns the same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Haley the House concurred in and adopted the Senate amendment to the bill, H. 104, said Senate amendment being as follows:

Provided, that nothing in this act shall be so construed as to prevent manufacturers of drugs, which conform to the pure food and drug laws of the United States, from employing agents or establishing agencies in this State.

Yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Cooper	John
Armstrong	Crum	Johnson
Arnold	Cunningham	Jones
Ballard (Autauga)	Doyle (Marengo)	Lacy (Walker)
Ballard (Pike)	Dudley	Lawson
Baltzell	Edwards	Lee (Etowah)
Barton	Garner	Lindsey
Benners	Gunter	Mitchell
Bulger	Haley	McCrory
Burney	Henley	Parker
Cannon	Hughes	Pearson
Carmichael	Jenkins	Peete

Pitts (Perry)	Sanders	Tarrant
Pratt	Sanford	Urquhart
Pugh	Seale	Vann
Rainer	Sherrod	Wittmeler
Rowe	Smith (Elmore)	White (Perry)
Rushton	Smith (Lee)	Williams (Lee)
Sample	Stollenwerck	Woelf

—57

On motion of Mr. John the House nonconcurred in the Senate amendments to the bill, H. 156, said Senate amendment being as follows:

Strike out section 4 and insert in lieu thereof the following:

Section 4. The property of corporations formed bona fide under this act, for other than pecuniary purposes shall be, to an amount not exceeding two thousand dollars, exempt from all State, county and municipal taxation and licenses; but if used for any other purpose than legitimately pertains to the object of such society it shall not be so exempt.

Amend section 3 of House bill 156 by adding at the end thereof the following words, viz:

The limitations herein contained shall not be construed so as to prohibit the playing of cards, dominoes, chess, pool, billiards, or other like amusements where nothing is wagered on such game.

And requested a committee of conference. The Speaker named as a committee on part of the House, Messrs. John, Seale and Rushton.

On motion of Mr. Tunstall the House concurred in the Senate amendment to the bill, H. 296, said Senate amendment being as follows:

A bill to be entitled an act to amend section 572 of the Code of Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That section 572 of the Code of Alabama be and the same is hereby amended so as to read as follows:

572. Contingent Fund. There is hereby appropriated for the fiscal year of 1909-1910 the sum of twenty thou-

sand dollars and annually thereafter the sum of ten thousand dollars for the contingent expenses of the Executive Department, to be paid out of the treasury on the warrant of the State auditor under the direction of the governor; provided, that any part of such annual appropriation may in the discretion of the governor, be used for the better enforcement of the laws of Alabama; provided, further, that out of the appropriation for the fiscal year 1909-1910 all cost for the publication of the proclamation of the governor according to law of the amendment or amendments proposed to the constitution of this State and of the publication of the notices of the election held upon said amendment or amendments may be paid.

Yeas, 48; nays, 14.

Yeas:

Messrs. Speaker	Garner	McCrory
Arnold	Gunter	Pearson
Arrington	Haley	Peete
Barton	Henley	Pitts (Perry)
Benners	Hughes	Pugh
Bulger	John	Rice
Burney	Jones	Rowe
Cannon	Killen	Rushton
Carmichael	King	Smith (Lee)
Coleman	Kirby	Tarrant
Cooper	Lawson	Tunstall
Cranford	Lee (Etowah)	Urquhart
Crum	Lindsey	Vann
Cunningham	Long (Morgan)	Wittmeler
Doyle (Marengo)	Mitchell	Williams (Lee)
Dudley	Moore	Woolf

—48

Nays:

Messrs.

Baltzell	Pratt	Sherrod
Edwards	Rainer	Smith (Elmore)
Lacy (Dallas)	Sample	Stollenwerck
McDuffie	Sanders	White (Perry)
Parker	Sanford	

—14

On motion of Mr. John, the House concurred in and adopted the Senate amendment to the bill, H. 179, said Senate amendment being as follows :

A bill to be entitled an act to amend section 2047 of the Code of Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That section 2047 of the Code of Alabama be amended so as to read as follows :

2047. Appropriation and payment of same. The following appropriations are made out of the treasury of the State of Alabama for the purposes named; for building servant houses and such other improvements as the board of control shall deem necessary, two thousand dollars; for repairs and insurance on buildings, two thousand dollars; for the maintenance of inmates and the payment of cooks and other necessary labor, per capita, one hundred and fifty dollars per annum for each inmate in the home at the beginning of each quarter on the order of the executive committee of the board of control. For the payment of the salaries of the officers of the home as follows: Commandant, per annum, one thousand two hundred dollars; adjutant, six hundred dollars; resident physician, six hundred dollars; for hospital help, one thousand dollars, at the beginning of each quarter on the order of the executive committee. For the payment of the inmates of the home, the sum of one dollar per month, each, so long as they are inmates, payable at the beginning of each quarter on the order of the executive committee of the board of control. The State auditor shall draw his warrant on the State treasurer in favor of the commandant and treasurer of the soldiers' home at Mountain Creek, upon the certificate of the executive committee of the board of control of said soldiers' home, for the amounts herein appropriated.

Yeas, 53; nays, 1.

Yeas :

Messrs. Speaker	Barton	Burney
Armstrong	Benners	Cannon
Ballard (Autauga)	Bulger	Carmichael

Coleman	Lawson	Rainer
Cooper	Lindsey	Rice
Cranford	Long (Morgan)	Rowe
Crum	Mayfield	Rushton
Cunningham	Mitchell	Sanders
Dudley	Moore	Sanford
Garner	McCrory	Sherrod
Haley	McDuffie	Smith (Elmore)
Henley	Norville	Stollenwerck
Hughes	Parker	Tarrant
John	Pearson	Urquhart
Johnson	Peete	White (Perry)
Jones	Pitts (Perry)	Williams (Lee)
Killen	Pratt	Woolf
King	Pugh	

—53

Nays:

Mr. Smith (of Lee)

—1

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 111, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker		
Armstrong	Hughes	Pratt
Arnold	Jenkins	Pugh
Arrington	John	Rainer
Baltzell	Jones	Rattray
Barton	Killen	Rice
Benners	King	Rowe
Bulger	Kirby	Rushton
Burney	Lacy (Walker)	Sample
Cannon	Lawson	Sanders
Coleman	Lindsey	Sanford
Cooper	Mastin	Seale
Cranford	Mitchell	Sherrod
Crum	Moore	Tunstall
Edwards	McCrary	Turner
Fuller	McDuffie	Urquhart
Garner	Norville	Vann
Gunter	Parker	Wittmeier
Haley	Pearson	Williams (Barbour)
Henley	Peete	Woolf

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 112, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconsti-

tutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	John	Pugh
Armstrong	Johnson	Ralner
Arnold	Jones	Rattray
Arrington	Killen	Rice
Baltzell	King	Rowe
Barton	Kirby	Sample
Benners	Lacy (Dallas)	Sanders
Bulger	Lacy (Walker)	Seale
Cannon	Lee (Barbour)	Sherrod
Carmichael	Lee (Etowah)	Smith (Elmore)
Cooper	Long (Morgan)	Smith (Lee)
Cunningham	Mitchell	Stollenwerck
Doyle (Marengo)	Moore	Tarrant
Edwards	McCurdy	Tunstall
Fuller	McDuffie	Turner
Garner	Parker	Vann
Gunter	Peete	Wittmeier
Haley	Pitts (Perry)	Williams (Barbour)
Henley	Pratt	Wolf
Hughes		

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 114, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included

within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Killen	Rowe
Ballard (Autauga)	King	Rushton
Baltzell	Lacy (Walker)	Sample
Barton	Lindsey	Sanders
Benners	Mastin	Seale
Bulger	Mitchell	Sherrod
Burney	Moore	Smith (Elmore)
Carmichael	McCurdy	Smith (Lee)
Coleman	McDuffie	Stollenwerck
Cranford	Norville	Tarrant
Cunningham	Parker	Tunstall
Doyle (Clarke)	Pearson	Turner
Doyle (Marengo)	Peete	Urquhart
Fuller	Pitts (Perry)	Vann
Garner	Pratt	Wittmeier
Haley	Pugh	White (Lamar)
Henley	Rainer	White (Perry)
John	Rattray	Williams (Barbour)
Johnson	Rice	Williams (Lee)
Jones		

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 115, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven,

Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	John	Pitts (Perry)
Armstrong	Killen	Pratt
Baltzell	King	Pugh
Benners	Kirby	Rice
Bulger	Lacy (Dallas)	Rowe
Burney	Lacy (Walker)	Rushton
Cannon	Lawson	Sample
Cooper	Lee (Barbour)	Sanders
Cranford	Lee (Etowah)	Seale
Crum	Lindsey	Sherrod
Cunningham	Long (Butler)	Smith (Elmore)
Doyle (Clark)	Long (Morgan)	Smith (Lee)
Doyle (Marengo)	Mitchell	Stollenwerck
Edwards	Moore	Tarrant
Garner	McDuffie	Tunstall
Gunter	Norville	Turner
Haley	Parker	Urquhart
Henley	Pearson	Wittmeier
Hughes	Peete	Woolf
Jenkins		

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 116, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within

the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Johnson	Pratt
Armstrong	Jones	Pugh
Arnold	Killen	Rainer
Baltzell	King	Rattray
Barton	Lacy (Dallas)	Rice
Benners	Lacy (Walker)	Rowe
Burney	Lindsey	Sample
Cannon	Long (Morgan)	Sanders
Carmichael	Mayfield	Sanforu
Coleman	Mitchell	Seale
Cooper	Moore	Sherrod
Cranford	McCrary	Smith (Elmore)
Cunningham	McDuffie	Smith (Lee)
Doyle (Clarke)	McMillan	Tarrant
Edwards	Norville	Tunstall
Garner	Parker	Turner
Gunter	Pearson	Vann
Haley	Peete	Wittmeier
Hughes	Pitts (Perry)	Woolf
John		

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 118, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January,

1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Jones	Rattray
Ballard (Autauga)	Killen	Rice
Ballard (Pike)	King	Rowe
Baltzell	Kirby	Rushton
Barton	Lacy (Dallas)	Sample
Bulger	Lacy (Walker)	Sanders
Burney	Lawson	Sanford
Cannon	Lee (Barbour)	Seale
Cooper	Lee (Etowah)	Sherrod
Crum	Lindsey	Smith (Elmore)
Dudley	Long (Butler)	Smith (Lee)
Edwards	Mastin	Urquhart
Garner	Middleton	Vann
Gunter	Mitchell	Wittmeler
Haley	Moore	White (Perry)
Henley	McCrory	Williams (Barbour)
Hughes	McDuffie	Williams (Lee)
Jenkins	Pratt	Woolf
John	Pugh	
Johnson	Rainer	

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 117, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Jones	Parker
Armstrong	Killen	Pearson
Arnold	King	Peete
Ballard (Autauga)	Kirby	Pitts (Perry)
Ballard (Pike)	Lacy (Dallas)	Pratt
Baltzell	Lacy (Walker)	Pugh
Benners	Lawson	Rattray
Burney	Lee (Barbour)	Rushton
Cannon	Lee (Etowah)	Sample
Cranford	Lindsey	Sanders
Crum	Long (Butler)	Sanford
Dudley	Long (Butler)	Seale
Edwards	Mastin	Sherrod
Garner	Middleton	Smith (Elmore)
Gunter	Mitchell	Tarrant
Haley	Moore	Tunstall
Henley	McCrary	Turner
Hughes	McDuffie	Urquhart
Jenkins	McMillan	Vann
John		

—58

On motion of Mr. King, the House concurred in and adopted the Senate amendment to the bill, H. 121, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House bill No. 110, entitled "An act to alter or rearrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of said city of Birmingham," shall be, by a court of last resort having jurisdiction, declared and adjudged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Johnson	Pugh
Armstrong	Jones	Rice
Arnold	Killen	Rowe
Baltzell	King	Sample
Benners	Kirby	Sanders
Bulger	Lacy (Walker)	Sanford
Burney	Lawson	Smith (Elmore)
Cannon	Lee (Barbour)	Smith (Lee)
Coleman	Lee (Etowah)	Stollenwerck
Cooper	Lindsey	Tarrant
Cranford	Mastin	Tunstall
Crum	Middleton	Turner
Cunningham	Mitchell	Urquhart
Doyle (Clarke)	Moore	Vann
Doyle (Marengo)	McCrary	Wittmeier
Haley	Parker	White (Perry)
Henley	Pearson	Williams (Barbour)
Hughes	Peete	Williams (Lee)
Jenkins	Pratt	Woolf
John		

BILL ON THIRD READING.

S. 36. Regulating the hearing of objections because of multifariousness or misjoinder to bills or petitions in equity; providing for amendment or voluntary dismissal of bills or petitions after the objection shall have been sustained, and for a renewal of the suit or petition, or the part thereof held to be multifarious or to be misjoined, so as that the renewal or renewals made in accordance with the terms of the act shall be part or parts of the lis pendens of the original suit or petition, and shall not be barred by any statute of limitations, rule of repose or of prescription or defense of laches, if said statute, rule or defense was not a bar to the original suit or petition.

Was read a third time, at length and lost.

Yeas, 29; nays, 25.

Yeas:

Messrs. Speaker	Hailey	Pitts (Perry)
Armstrong	Hughes	Rowe
Arrington	Jenkins	Sample
Benners	John	Sanford
Burney	King	Seale
Carmichael	Lacy (Walker)	Turner
Crum	Lawson	Urquhart
Doyle (Marengo)	Mitchell	Wittmeier
Dudley	Moore	Williams (Lee)
Garner	Peete	

—29

Nays:

Messrs.

Arnold	Kirby	Rainer
Barton	Lee (Barbour)	Sanders
Cannon	Lindsey	Sherrod
Coleman	Long (Butler)	Smith (Elmore)
Cranford	Long (Morgan)	Smith (Lee)
Edwards	McDuffie	Stollenwerck
Henley	Parker	Tunstall
Johnson	Pugh	White (Perry)
Killen		

—25

RESOLUTION.

The following resolution was introduced :

By Mr. Rushton.

H. R. 89. Resolved, That the Senate is requested to return to the House Senate bill No. 9.

And the resolution was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills:

H. 54. To amend sections 6450, 6456, 6463, and 6465, of the Code of Alabama.

H. 23. To provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act.

H. 312. For the relief of T. J. Farris, county surveyor of Marion county, Alabama, by authorizing the payment of \$86.90 to him, the amount allowed by law to him as such county surveyor under section 3640 of the Code of 1896 for making the surveys and plats therein provided for in and for section 16, township 10, range 13, west, Marion county, Alabama, said work having been performed before the Code of 1907 became effective; to provide the manner of such payment and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said \$86.90 is concerned.

H. 266. To amend section 6262 of the Code of Alabama.

H. 359. To amend section 373 of the Code of Alabama, 1907.

H. 247. To amend an act entitled an act to amend section 5993 of the Code of Alabama, approved November 23rd, 1907.

H. 201. To provide for the payment of fees and necessary expenses incurred in the capture of criminals who

flee into another State, and who, when captured, return without requisition from the governor.

H. 49. To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act.

H. 206. To amend section 985 of the Code of 1907.

H. 358. To amend sections 2120, 2122, 2156, 2174, and 2175 and 2158 of the Code of Alabama.

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by the governor to House bill No. 145.

The vote on said amendment was as follows :

Yeas, 22 ; nays, 0.

Which was a majority of the whole number elected to the Senate.

And herewith returns said bill and amendment to the House.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two Houses on the Senate amendments to H. 156.

Committee on the part of the Senate: Messrs. Miller, Thomas and Spragins.

J. A. KYLE, Secretary.

BILL ON THIRD READING.

S. 127. For the incorporation of mutual co-operative societies or associations for farming and trucking purposes, and for the exemption of the same from all corporate taxation and licenses.

Was read a third time, at length and passed; yeas, 44; nays, 14.

Yeas:

Messrs. Speaker	Jenkins	Pratt
Arnold	Jones	Pugh
Arrington	King	Rainer
Baltzell	Kirby	Rice
Barton	Lacy (Walker)	Rowe
Benners	Lawson	Sample
Bulger	Lee (Barbour)	Sanders
Burney	Lindsey	Sanford
Cannon	Mastin	Smith (Elmore)
Coleman	Mitchell	Tarrant
Doyle (Clarke)	McCrary	Tunstall
Edwards	McDuffie	Urquhart
Garner	Pearson	White (Perry)
Haley	Peete	Woolf
Henley	Pitts (Perry)	

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Nays:

Messrs.

Ballard (Autauga)	Killen	Smith (Lee)
Carmichael	Long (Butler)	Stollenwerck
Cooper	Moore	Vann
Crum	Rushton	Williams (Lee)
John	Sherrod	

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BILL TAKEN FROM TABLE.

On motion of Mr. Stollenwerck, the Bill S. 129, which was on yesterday laid upon the table was taken from the table and the Bill.

S. 129. To relieve banking institutions conducted by individuals or firms or corporations organized under the laws of this State, from the payment of any municipal license tax.

Was placed on the calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills :

H. 113. To vacate and annul the charter and dissolve the corporation of the city of Wylam.

H. 336. To repeal section 3290 of the Code of Alabama.

H. 338. To amend section 586 of the Code of 1907.

H. 289. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said towns and cities if the license violates said ordinances, and power to provide for the destruction of contraband liquors.

And has amended as therein shown and as amended has passed the following House Bills :

H. 347. To amend section one of an act entitled, An act to make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court or before the judges or grand juries of either of said courts.

Also,

H. 79. To regulate sale of food and drugs in the State of Alabama, to provide for enforcement and inspectors and prescribe penalties for violation thereof.

Also,

H. 119. To vacate and annul the charter and dissolve the corporation of the city of Ensley.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Lacy, of Walker, the House Concurred in and adopted the Senate amendment to the Bill, H. 347, said Senate amendment being as follows:

1. Amend the title of the bill by adding the words "approved November 23, 1907" after the words "said courts" at the end of the title of said bill.

2. Amend the bill further by inserting the words "approved November 23, 1907" after the words "of said courts" and before the words "be amended" where the same appear in the body of said bill.

Yeas:

Yeas, 58; nays, 0.

Messrs. Speaker	Jenkins	Pugh
Armstrong	John	Rainer
Arnold	Jones	Rice
Arrington	Killen	Rowe
Baltzell	King	Sample
Barton	Lacy (Dallas)	Sanders
Bulger	Lacy (Walker)	Seale
Burney	Lawson	Sherrod
Cannon	Lindsey	Smith (Elmore)
Carmichael	Long (Butler)	Smith (Lee)
Coleman	Mastin	Stollenwerck
Cooper	Middleton	Tarrant
Cranford	Mitchell	Tunstall
Crum	Moore	Turner
Dudley	Parker	Urquhart
Garner	Pearson	Vann
Gunter	Peete	Williams (Barbour)
Haley	Pitts (Perry)	Williams (Lee)
Henley	Pratt	Woolf
Hughes		

On motion of Mr. Cooper, the House concurred in and adopted the Senate amendment to the Bill, H. 79, said Senate amendment being as follows:

Amend section 5 by striking out the words "by weight or measure or percentage of the parts," where the same occur in the fourth line from the end of said section and inserting in lieu thereof the following words: "of the names of the ingredients".

Amend section 9 so as to read as follows: "that the commissioner of agriculture and industries assisted by the State chemist and the municipal or county inspectors for the several counties of the State, when such are appointed or elected, and all police officers and sheriffs of the State, are hereby charged with the duties of inspection and analysis, required for the proper enforcement of this act.

Amend section 10 by striking out all of said section except the following words: "the municipalities shall make such provisions and expenditures for apparatus, etc., for the enforcement of this act as seems best and proper to the city council."

Amend section 11 by striking out the words "shall be taken only by the chief food and drug clerk, municipal and county inspectors, clerk, or other executive officer of board of pharmacists, State of Alabama," where the same first occur therein, and insert in lieu thereof the following words: "May be taken by such officers as are named or mentioned in this act."

Also further amend section 11 by striking out the words "the chief food drug clerk, county inspector or other duly qualified state agents" where the said words first occur therein and insert in lieu thereof the following: "such officer."

Also further amend section 11 by striking out the words "chief food and drug clerk" where the same last occur in said section and insert in lieu thereof the following words: "state chemist."

Amend section 13 by striking out the words "formula, specifically stating the quantity of each ingredient going to make up the whole," where the same first appear therein and insert in lieu thereof the following words: "names of the ingredients."

Yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Haley	Rainer
Armstrong	Henley	Rice
Arnold	John	Rowe
Arrington	Johnson	Rushton
Ballard (Autauga)	Jones	Sanders
Barton	King	Sanford
Benners	Lacy (Walker)	Seale
Bulger	Lawson	Sherrod
Burney	Lee (Barbour)	Smith (Elmore)
Cannon	Long (Morgan)	Smith (Lee)
Carmichael	Mastin	Stollenwerck
Cooper	Mitchell	Tarrant
Cranford	Moore	Tunstall
Crum	McCrary	Urquhart
Cunningham	Parker	Vann
Doyle (Clarke)	Pearson	White (Perry)
Dudley	Peete	Williams (Barbour)
Edwards	Pitts (Perry)	Williams (Lee)
Garner	Pugh	Woolf

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On motion of Mr. King, the House concurred in and adopted the Senate amendment to the Bill H. 119, said Senate amendment being as follows:

Amend said bill by striking out section two and adding in lieu thereof the following:

Section two. This act shall not go into effect and become operative as a law until the first day of January, 1910; and in the event that House Bill No. 110 entitled "An act to alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to include within the corporate limits of said city, the territory now included within the cities or towns of Avondale, Woodlawn, East Lake, North Birmingham, North Haven, Graymont, Elyton, West End, Pratt City, Wylam and Ensley, and other territory, and so as to exclude from the city of Birmingham certain territory now included within the corporate limits of Birmingham," shall be, by a court of last resort having jurisdiction, declared and ad-

judged null and void, invalid or unconstitutional, then and in that event this act shall not be effective.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Jones	Rattray
Armstrong	Killen	Rice
Arnold	King	Rowe
Baltzell	Lacy (Dallas)	Sample
Barton	Lacy (Walker)	Sanders
Benners	Lawson	Sanford
Carmichael	Lee (Etowah)	Seale
Coleman	Lindsey	Sherrod
Cooper	Long (Morgan)	Smith (Elmore)
Cranford	Mitchell	Smith (Lee)
Crum	Moore	Stollenwerck
Dudley	McCrary	Tarrant
Edwards	McMillan	Tunstall
Garner	Parker	Turner
Gunter	Pearson	Vann
Haley	Peete	Wittmeier
Henley	Pitts (Perry)	White (Lamar)
Hughes	Pugh	Williams (Barbour)
Jenkins	Rainer	Woolf
John		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 178. To amend sections 6620 and 6621 of the Code of Alabama, 1907.

H. 276. To vacate and annul certain streets and alleys in, through and between blocks 94, 95 and 96 of East Lake Land Company's survey of East Lake, Alabama.

H. 360. To empower the city council of Birmingham, Birmingham, Alabama, to sell certain parts of 19th street, 17th street, 16th street, 15th street, alley G and Maiden Lane, in the city of Birmingham, Alabama, and direct the application of the proceeds derived therefrom.

H. 225. To amend section 4032 of the Code of Alabama, of 1907.

H. 232. To stipulate how the service of process may be effected upon certain unincorporated organizations or associations.

H. 365. To provide for assistance in the office of County Treasurers, and to fix compensation therefor.

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred instalments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

BILLS ON THIRD READING.

S. 148. To authorize the sale, lease or disposition of an electric light plant, gas plant or water works plant owned by any town or city, or municipal corporation in this State.

Was read a third time, at length and passed; yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Carmichael	Jenkins
<u>Armstrong</u>	<u>Cooper</u>	<u>John</u>
Arnold	Cranford	Johnson
Arrington	Crum	Jones
Ballard (Autauga)	Doyle (Clarke)	Kirby
Ballard (Pike)	Doyle (Marengo)	Lacy (Walker)
Barton	Edwards	Lawson
Benners	Garner	Lee (Barbour)
Bulger	Haley	Mastin
Burney	Henley	Mitchell
Cannon	Hughes	Moore

McCrory	Rice	Stollenwerck
Parker	Rowe	Tarrant
Pearson	Rushton	Urquhart
Peete	Sample	Wittmeier
Pitts (Perry)	Sanders	White (Perry)
Pugh	Sauford	Williams (Barbour)
Rainer	Sherrod	Williams (Lee)
Rattray	Smith (Lee)	Woolf

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S. 73. To regulate sales of stocks of merchandise in bulk, or portions thereof, otherwise than in the ordinary course of trade.

Was taken up and on motion of Mr. John the Bill S. 73 was indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 99. To amend section 1293 of the Code of Alabama.

H. 288. To require the courts of county commissioners, boards of revenue, or like officers of each county in the State of Alabama to pay, out of any funds in the county treasury, all the expense, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance is successful.

And the Senate has concurred in and adopted H. J. R. 86:

Relative to printing and binding 4,500 copies of general and local acts of present session of the Legislature.

And has amended as therein shown, and as amended has passed.

H. 369. To allow confederate soldiers to engage in the business of peddling in the State of Alabama without payment of license.

And herewith returns the same to the House.

J. A. KYLE,
Secretary

SENATE MESSAGE.

On motion of Mr. John, the House non-concurred in the Senate amendment to the Bill H. 369, said Senate amendment being as follows:

Provided that no confederate soldier shall be required to pay any license for hunting, practicing law, medicine or dentistry and that the words "and hunting, practicing law, medicine or dentistry" be inserted in the caption of the bill on first line after the word peddling.

And requested a committee of conference. The Speaker named as a committee on part of the House, Messrs. John, Mastin and McCrory.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 124. To amend section 638 of the Code of Alabama.

H. 313. To provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county; to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

H. 343. For the relief of J. R. Harper, a confederate soldier.

H. 350. To authorize the commissioners' court of Tallapoosa county to pay to P. A. Jackson, editor and proprietor of the Tallapoosa Courier, a newspaper published in Tallapoosa county, seventy-four dollars out of the county treasury for services rendered in printing and publishing the report of the treasurer of said county made in the year 1907.

And herewith returns the same to the House.

And has amended as therein shown, and as amended has passed the following House Bill:

H. 324. To prescribe the restrictions and conditions under which regular practicing physicians who are re-

tail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act, and for other violations thereof.

And herewith returns the same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ballard, of Autauga, the House concurred in and adopted the Senate amendment to the Bill H. 324, said Senate amendment being as follows:

Amend section four by striking out the following words when they occur in the section; "or who shall fail to file in the office of the probate judge the list or memorandum of his sales of alcohol for medical purposes as hereby required."

Also amend by adding section four of the end thereof the words: "any physician who shall fail to file with the probate judge the list or memorandum required in section one of the act shall be guilty of a misdemeanor and on conviction shall be fined the sum of five dollars for each offense."

To amend the bill by striking out section six and inserting in lieu thereof the following:: "This act shall take effect thirty days after the approval of the governor."

Yeas, 61; nays, 0.

Yeas:

Messrs. Speaker	Cunningham	King
Ballard (Autauga)	Doyle (Clarke)	Kirby
Ballard (Pike)	Dudley	Lacy (Walker)
Baltzell	Garner	Lawson
Barton	Gunter	Lee (Barbour)
Benners	Haley	Lee (Etowah)
Burney	Hughes	Long (Morgan)
Cannon	Jenkins	Mastin
Carmichael	John	Mitchell
Coleman	Johnson	Moore
Cooper	Jones	McCrary
Cranford	Killen	McDuffie

Pearson	Sanford	Turner
Peete	Seale	Urquhart
Pitts (Perry)	Sherrod	Vann
Pugh	Smith (Elmore)	Wittmeier
Rainer	Smith (Lee)	White (Perry)
Rice	Stollenwerck	Williams (Barbour)
Rowe	Tarrant	Williams (Lee)
Rushton	Tunstall	Woolf
Sanders		

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MESSAGE FROM THE SENATE.

Mr. Speaker :

The President of the Senate having signed in the presence of the Senate the following bills your signature thereto is requested.

S. 3. To amend Section 4559 of the Code of Alabama, 1907.

S. 7. To authorize and empower the commissioners court, board of revenue or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the construction or improvement of necessary buildings and the maintenance and support of those State schools known as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes and to repeal all laws and parts of laws in conflict therewith.

S. 9. To provide a fund for the compensation and expenses of the assistant bank examiners.

S. 10. To amend section 3549 of the Code of Alabama.

S. 14. To amend section 4558 of the Code of Alabama, 1907.

S. 17. To amend section 4557 of the Code of Alabama, of 1907.

S. 32. To provide for the annual reports of registers in chancery, probate judges, sheriffs and clerks of courts of record, of all fiduciary funds in their hands in their official capacity:

S. 44. To amend section 1804 of the Code of Alabama.

S. 47. To amend section 5882 of the Code of Alabama.

S. 51. To amend section 2411 of the Code of Alabama.

S. 52. To amend section 2868 of the Code of Alabama.

S. 72. To amend Article 5 of Chapter 141 of the Code, relating to printing and binding of the Alabama Reports.

S. 74. To amend section 5304 of the Code of 1907.

S. 79. To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

S. 86. To provide for the disposition of money to which minors are entitled.

S. 92. To amend section 545 of chapter 17 of the Code.

S. 102. To amend section 5231 of the Code of Alabama of 1907.

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter, and to fix his compensation.

S. 111. To amend section 4335 of the Code of Alabama.

S. 117. To amend section 1339 of the Code of Alabama.

S. 140. To repeal the local road laws applying to the county of Montgomery.

S. 48. To amend section 5885 of the Code of Alabama.

S. 5. To amend section 7189 of the Code of Alabama, 1907.

S. 40. For the further protection of fish; to make it unlawful to use nets, seines, or any devices or substitutes for the same in streams or bodies of water emptying into salt water or tide water; to provide for a closed season on bass, trout, mullet and red fish and to limit the size of the mesh of seines used in salt water.

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

J. A. KYLE,
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

ADJOURNMENT.

The hour of six o'clock having arrived the House adjourned until 9:30 o'clock tomorrow morning.

TWENTY-SECOND DAY.

House of Representative.

Montgomery, Ala. Tuesday August 24, 1909.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. O. Colley, of Birmingham.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs. Speaker	Hughes	Pearson
Armstrong	Jenkins	Peete
Arnold	John	Pitts (Perry)
Arrington	Johnson	Pratt
Ballard (Autauga)	Jones	Pugh
Ballard (Pike)	Killen	Rainer
Baltzell	King	Rattray
Barton	Kirby	Rice
Benners	Lacy (Dallas)	Rowe
Bulger	Lacy (Walker)	Rushton
Burney	Lancaster	Sample
Cannon	Lawson	Sanders
Carmichael	Lee (Barbour)	Sanford
Coleman	Lee (Etowah)	Seale
Cooper	Lindsey	Sherrod
Cranford	Long (Butler)	Smith (Lee)
Crum	Long (Morgan)	Stollenwerck
Cunningham	Mastin	Tarrant
Doyle (Clarke)	Mayfield	Tunstall
Doyle (Marengo)	Middleton	Turner
Dudley	Mitchell	Urquhart
Edwards	Moore	Vann
Fuller	McCrary	Wittmeier
Garner	McCurdy	White (Perry)
Gunter	McDuffie	Will'ams (Barbour)
Haley	Norville	Williams (Lee)
Henley	Parker	Woolf

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A quorum was present.

JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the revision of the Journal begs leave to report as follows:

We have examined the Journal for the twenty-first day and find the same to be correct.

R. C. SMITH,
Chairman.

The report of the committee was concurred in and the Journal for the 21st day was approved.

REPORT OF RULES COMMITTEE.

Mr. John, from the committee on Rules returned to the House the following resolutions with a favorable report:

H. R. 90. (Rules Committee.) Resolved, that the following bills in their ~~order~~ named shall be special orders for to-day after the call of committees.

S. 50, S. 152, S. 137, S. 99, S. 118.

That after their disposition, bills on the calendar shall be considered.

That no bill shall be called for passage after 1 o'clock p. m.

That the House remain in session to-day if necessary until 10 o'clock p. m., and recess from 1 'till 3 o'clock p. m.

By Mr. Carmichael (of Colbert.)

H. R. 91. Resolved by the House, the Senate concurring, that upon the adjournment of the Legislature the governor be requested to employ a competent person to examine the journals of the House and Senate in connection with the clerk of the House and secretary of the Senate in order that the journals may show as to all bills passed a compliance with all constitutional requirements.

Resolved further that the governor be requested to pay such person so employed out of the contingent fund.

And the resolutions were adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 193. To authorize boards of revenue and courts of county commissioners to make appropriations for the installation and maintenance of exhibits of the agricultural and mineral resources of their counties.

H. 210. To require courts of county commissioners and boards of revenue, in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money.

H. 226. To amend sections 161, 162, 163 and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13th, 1907.

H. 330. To prohibit the sale of adulterated seed for planting or sowing purposes in Henry county, Alabama.

H. 67. To amend sections 1, 5, 8, and 30 of an act entitled "An act to regulate railroads and other common carriers; to secure reasonable rates and adequate service, and to prevent unjust discrimination in their public service, and prescribe penalties for the violation thereof," approved February 23, 1907.

H. 68. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

H. 160. To regulate the procedure in the trial of causes wherein lands are sought to be condemned.

H. 305. To require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

H. 223. To amend section 7851 of the Code of Alabama.

H. 301. To suppress gaming and gaming places.

H. 371. To amend section 7083 of the Code of Alabama, of 1907.

H. 90. To amend an act entitled an act to amend an act to establish a State live stock sanitary board and the office of State veterinarian in order to further protect live stock from contagious and infectious diseases, and to provide for eradicating and excluding such diseases from this State. Approved August 6, 1907.

H. 41. To authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds.

And herewith returns the same to the House.

And has amended as therein shown, and as amended has passed the following House Bills:

H. 325. To provide for the further protection of fish in Baldwin county, to prevent the taking or catching of fish in any lake, river, creek or bayou in said county, except with hook and line; and to provide a penalty for the same; to make it unlawful for any non-resident engaged in the business of commercial fishing to take fish in Baldwin county.

H. 229. To amend section 534 of the Code of Alabama.

H. 339. To amend section 1182 of the Code of Alabama.

And herewith returns same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. Jenkins, the House concurred in and adopted the Senate amendment to the Bill H. 325, said Senate amendment being as follows:

Amend section 4 of said bill by adding at the end of said section the following: Provided however that the provisions of this section shall not apply to actual bona

fide residents living on the east side of Perdido Bay in the State of Florida.

Yeas, 58; nays, 0.

Yeas:

Messrs. Speaker	Hughes	Pearson
Arnold	Jenkins	Peete
Arrington	John	Pratt
Baltzell	Jones	Pugh
Barton	Killen	Rainer
Benners	King	Rattray
Bulger	Kirby	Rice
Burney	Lacy (Dallas)	Rowe
Cannon	Lacy (Walker)	Sample
Coleman	Lawson	Seale
Cooper	Lee (Barbour)	Sherrod
Cranford	Lee (Etowah)	Smith (Lee)
Crum	Lindsey	Tarrant
Dudley	Mastin	Tunstall
Edwards	Moore	Turner
Fuller	McCurdy	White (Perry)
Garner	McDuffie	Williams (Barbour)
Gunter	Norville	Williams (Lee)
Haley	Parker	Woolf
Henley		

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On motion of Mr. Gunter, the House concurred in and adopted the Senate amendment to the Bill H. 229, said Senate amendment being as follows:

Amend by striking out all of said bill after the word "registered" when the same occurs in the sixth line, and add in place thereof the following: "And the courts of county commissioners or other courts of like jurisdiction of the several counties, shall order a warrant drawn upon the treasurer of such county for the actual cost of printing such lists, not including the cost of preparing such lists for the printer, and it shall be the duty of the treasurer to pay the same."

Yeas, 62; nays, 0.

Yeas.

Messrs. Speaker	Arnold	Ballard (Autauga)
Armstrong	Arrington	Ballard (Pike)

Baltzell	Johnson	Rattray
Barton	Jones	Rice
Benners	Killen	Rowe
Bulger	Kirby	Rushton
Burney	Lacy (Walker)	Sanders
Cannon	Lee (Barbour)	Sanford
Carmichael	Lee (Etowah)	Seale
Cooper	Long (Butler)	Sherrod
Cranford	Mastin	Smith (Lee)
Cunningham	Mitchell	Stollenwerck
Doyle (Clarke)	Moore	Tarrant
Doyle (Marengo)	McCrary	Tunstall
Dudley	Parker	Turner
Garner	Pearson	Urquhart
Gunter	Peete	Vann
Haley	Pitts (Perry)	White (Perry)
Henley	Pratt	Williams (Lee)
Jenkins	Pugh	Woolf
John	Raine	

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On motion of Mr. Arnold, the House concurred in and adopted the Senate amendment to the Bill, H. 339, said amendment being as follows:

Amend by inserting at the end of the bill the following:

And all loans of money evidenced by notes or bonds and secured by mortgage, or either, out of any funds by any city or town prior to August 9, 1907, are ratified, confirmed and made valid as though heretofore expressly authorized by law.

Yeas, 58; nays, 0.

Yeas.

Messrs. Speaker	Cannon	Hughes
Armstrong	Carmichael	John
Arnold	Cranford	Johnson
Arrington	Cunningham	Jones
Ballard (Autauga)	Doyle (Clarke)	Killen
Ballard (Pike)	Doyle (Marengo)	Kirby
Baltzell	Edwards	Lawson
Barton	Garner	Lee (Barbour)
Bulger	Gunter	Lee (Etowah)
Burney	Haley	Mastin

Mitchell	Rainer	Stollenwerck
Moore	Ratray	Tarrant
McCrory	Rowe	Tunstall
McDuffie	Rushton	Turner
Parker	Sample	Urquhart
Pearson	Sanders	Vann
Peete	Sanford	Williams (Barbour)
Pitts (Perry)	Sherrod	Williams (Lee)
Pratt	Smith (Lee)	Woolf
Pugh		

—58

BILLS ON THIRD READING.

S. 50. To regulate the right to carry a pistol in this State.

Was read a third time, at length and passed; yeas, 53; nays, 15.

Yeas.

Messrs. Speaker	Haley	McDuffie
Armstrong	Henley	Parker
Ballard (Autauga)	Hughes	Peete
Ballard (Pike)	Jenkins	Pitts (Perry)
Baltzell	John	Pugh
Barton	Johnson	Rowe
Benners	Jones	Sanders
Bulger	Killen	Sanford
Burney	King	Seale
Carmichael	Kirby	Sherrod
Coleman	Lacy (Dallas)	Tarrant
Cooper	Lacy (Walker)	Tunstall
Cranford	Lawson	Turner
Cunningham	Lee (Etowah)	Urquhart
Doyle (Marengo)	Lindsey	Vann
Dudley	Moore	Wittmeier
Garner	McCrory	Woolf
Gunter	McCurdy	

—53

Nays:

Messrs.

Arrington	Edwards	Long (Morgan)
Cannon	Lee (Barbour)	Mastin

Mitchell	Rushton	Stollenwerck
Rainer	Sample	Williams (Barbour)
Rattray	Smith (Lee)	Williams (Lee)

—15

PAIR ANNOUNCED.

Mr. Arnold announced that he was paired with Mr. Rice. If he were present he would vote yea, and Mr. Arnold would vote nay.

S. 152. To provide for the payment of insurance and repairs on buildings at the soldiers home at Mountain Creek, Alabama.

Was read a third time, at length and passed; yeas, 55; nays, 0.

Yeas.

Messrs. Speaker	Hughes	Peete
Armstrong	Jones	Pitts (Perry)
Arnold	Killen	Pugh
Ballard (Autauga)	King	Rainer
Ballard (Pike)	Kirby	Rowe
Benners	Lacy (Dallas)	Rushton
Bulger	Lacy (Walker)	Sanders
Cannon	Lawson	Sanford
Carmichael	Lee (Barbour)	Seale
Coleman	Lee (Etowah)	Sherrod
Cooper	Lindsey	Smith (Lee)
Cranford	Long (Morgan)	Stollenwerck
Cunningham	Mastin	Tarrant
Doyle (Marengo)	Mitchell	Turner
Duiley	Moore	Urquhart
Edwards	McCurdy	Vann
Garner	Parker	White (Perry)
Gunter	Pearson	Williams (Barbour)
Haley		

—55

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined and found correctly enrolled the following bills and House Joint Resolution:

H. 255. To amend section 4032 of the Code of Alabama of 1907.

H. 232. To stipulate how the service of process may be effected upon certain unincorporated organizations or associations.

H. 365. To provide for assistance in the office of county treasurers, and to fix compensation therefor.

H. 296. To amend section 572 of the Code of Alabama.

H. 118. To vacate and annul the charter and dissolve the corporation of the city of Pratt City.

H. 117. To vacate and annul the charter and dissolve the corporation of the city of North Birmingham.

H. 179. To amend section 2047 of the Code of Alabama.

H. 114. To vacate and annul the charter and dissolve the corporation of the city of Graymont.

H. 267. To regulate the conduct of the retail beverage business so that it may not be made the means of evading and violating the prohibitory liquor laws of the State, and to prescribe remedies and procedure for securing compliance with this act.

H. 116. To vacate and annul the charter and dissolve the corporation of the city of Elyton.

H. 336. To repeal section 3290 of the Code of Alabama.

H. 121. To vacate and annul the charter and dissolve the corporation of the city Woodlawn.

H. 150. To amend section 1650 of the Code of 1907.

H. 286. To adopt a Code.

H. 285. For the preservation and protection of the public oyster reefs and beds in the waters of Alabama; to provide for the establishment of a board of oyster commissioners, to prescribe their duties, and provide for their compensation; to regulate the manner of taking and catching oysters on such public reefs and private bedding grounds, and to prescribe the measure of oysters in the shell; to prescribe license fees for boats engaged in taking and catching oysters; to fix and prescribe a tax upon oysters canned and packed in this State; to provide for the protection and patrol of oyster grounds,

and to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of any of the provisions of this act; and to create the oyster protection fund from moneys arising under the provisions of this act; for the purpose of defraying the expenses of the oyster commission, and generally to regulate and control the oyster industry and matters connected therewith.

H. 350. To authorize the commissioner's court of Tallapoosa county to pay to P. A. Jackson, editor and proprietor of the Tallapoosa Courier, a newspaper published in Tallapoosa county, seventy-four dollars out of the county treasury for services rendered in printing and publishing the report of the treasurer of said county made in the year 1907.

H. 115. To vacate and annul the charter and dissolve the corporation of the city of North Haven.

H. 112. To vacate and annul the charter and dissolve the corporation of the city of West End.

H. J. R. 86. Relative to authorizing and directing the secretary of State to have printed copies of the general and local acts of the present session of the Legislature of Alabama.

H. 355. To provide for the assumption and payment of all contracts, debts, liabilities and bonds of every kind and character, of any city or town which has been absorbed or whose government has been extinguished by the alteration or rearrangement of the boundary lines of another city or town, and to provide for the completion of local improvements, the making and collection of assessments for such improvements, and the issue of bonds to anticipate the collection of deferred installments of such local improvement assessments by the city or town whose boundary lines are so altered or rearranged.

H. 289. To confer upon the towns and cities of the State power and authority to adopt ordinances not inconsistent with the laws of the State to promote temperance and suppress the traffic in such beverages as the laws of the State prohibit to be manufactured, sold or otherwise disposed of, and to prevent evasions of such ordinances, also power to forfeit licenses granted by said

towns and cities if the licensee violates said ordinances, and power to provide for the destruction of contraband liquors.

H. 99. To amend section 1293 of the Code of Alabama.

H. 124. To amend section 638 of the Code of Alabama.

H. 343. For the relief of J. R. Harper, a confederate soldier.

H. 288. To require the courts of county commissioners, boards of revenue, or like officers of each county in the State of Alabama, to pay out of any funds in the county treasury, all the expense including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance is successful.

H. 178. To amend sections 6620, and 6621, of the Code of Alabama, 1907.

H. 119. To vacate and annul the charter and dissolve the corporation of the city of Ensley.

H. 104. To revoke the license or right to engage in or carry on any business, or to have any agency or place of business in this State, of any foreign corporation which is authorized by its charter to manufacture, sell or otherwise dispose of alcoholic, spirituous, vinous or malt liquors, or any liquor or beverage prohibited by the law of Alabama to be manufactured, sold or otherwise disposed of in this State, or which is engaged in the manufacture or sale of such liquors, or any of them, in the State of its creation or elsewhere, or which is engaged in or carries on in the State of its creation, or elsewhere, any business which is unlawful for any domestic corporation or citizen of Alabama to engage in or carry on in this State; and to prohibit the entry of such foreign corporations into this State and the grant to them by any officer of the State of Alabama, of a license to engage in business of any kind or to have any agency or place of business in this State, and to prescribe penalties for the violation of this act.

H. 276. To vacate and annul certain streets and alleys in, through and between Blocks 94, 95 and 96 of

East Lake Land Company's survey of East Lake, Alabama.

H. 347. To amend section one of an act entitled an act to make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court or before the judges or grand juries of either of said courts, approved November 23, 1907.

H. 113. To vacate and annul the charter and dissolve the corporation of the city of Wylam.

H. 360. To empower the city council of Birmingham, Birmingham, Alabama, to sell certain parts of 19th street, 17th street, 16th street, 15th street, alley G and Maiden Lane, in the city of Birmingham, Alabama, and direct the application of the proceeds derived therefrom.

H. 111. To vacate and annul the charter and dissolve the corporation of the city of East Lake.

H. 338. To amend section 586 of the Code of 1907.

J. S. WILLIAMS, Chairman.

SIGNING OF BILLS AND JOINT RESOLUTION.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

BILLS ON THIRD READING.

S. 99. To provide compensation for probate judges for services performed under and required by sections 319 and 365 of the Code of Alabama.

Was taken up, and on motion of Mr. Gunter, the Bill S. 99 was laid upon the table.

S. 105. To regulate the packing and sale or other disposition of feed stuffs.

Was taken up. The question was upon the adoption of the amendment, reported by the standing committee on Commerce and Common Carriers, said amendment being as follows:

Amend section 4 of the bill by inserting after the word cereals, and before the word or in line 2 the words "or resale of same by the purchaser."

And the amendment was adopted.

Yeas 60; nays, 0.

Yeas.

Messrs. Speaker	Henley	Pitts (Perry)
Armstrong	Hughes	Pratt
Arnold	Jenkins	Pugh
Arrington	John	Rainer
Ballard (Pike)	Jones	Rattray
Benners	King	Rowe
Bulger	Kirby	Rushton
Burney	Lacy (Walker)	Sample
Cannon	Lawson	Sanders
Carmichael	Lee (Barbour)	Sanford
Cooper	Lee (Etowah)	Sherrod
Cranford	Lindsey	Smith (Lee)
Cunningham	Long (Morgan)	Stollenwerck
Doyle (Marengo)	Mitchell	Tarrant
Dudley	Moore	Tunstall
Edwards	McCrary	Turner
Fuller	McCurdy	Urquhart
Garner	McDuffie	Williams (Barbour)
Gunter	Parker	Williams (Lee)
Haley	Peete	Woolf

—60

And the bill.

S. 105. To regulate the packing and sale or other disposition of feed stuffs.

As amended, was read a third time, at length and passed; yeas, 57; nays, 1.

Yeas.

Messrs. Speaker	Ballard (Autauga)	Burney
Armstrong	Ballard (Pike)	Cannon
Arnold	Benners	Carmichael
Arrington	Bulger	Cooper

Cranford	Lindsey	Rowe
Cunningham	Mastin	Rushton
Dudley	Mitchell	Sample
Fuller	Moore	Sanders
Garner	McCrary	Sanford
Gunter	McCurdy	Sherrod
Haley	McDuffie	Stollenwerck
Henley	Parker	Tarrant
Jenkins	Pearson	Tunstall
John	Peete	Urquhart
Jones	Pitts (Perry)	Wittmeier
King	Pratt	Williams (Barbour)
Lacy (Walker)	Pugh	Williams (Lee)
Lawson	Rainer	Woolf
Lee (Barbour)	Rattray	

Nays:

Mr. Turner

—57

—1

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following Senate Joint Resolution:

JOINT RESOLUTION.

Be it resolved by the Senate, the House concurring, that Alabama Legislature extends its thanks to the Mobile Register for the courtesy of complimentary copies of that great old Southern journal, and we hereby wish for it a continuation of its influence, power and prosperity which it has enjoyed for many years.

And sends the same to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

And the House concurred in, and adopted the Senate Joint Resolution set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The President of the Senate having signed in the presence of the Senate the following Senate bills, your signature thereto is requested :

S. 128. To amend section 2047 of the Code of Alabama.

S. 21. To amend sections 1508, 1509, 1510, 1513, 1517, 1520, 1522, 1523 and 7006 of the Code of Alabama, 1907 and to repeal section 1514, of the Code of Alabama, 1907.

S. 62. To define and regulate negotiable instruments.

S. 55. To amend section 5765 of the Code of Alabama of 1907.

S. 127. For the incorporation of mutual co-operative societies or associations for farming and trucking purposes, and for the exemption of the same from all corporate taxation and licenses.

J. A. KYLE,
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

BILL ON THIRD READING.

S. 118. To perpetuate the United States government surveys in the State of Alabama.

Was read a third time, at length and passed; yeas, 41; nays, 19.

Yeas.

Messrs. Speaker
Arnold
Baltzell

Barton
Burney
Cannon

Cooper
Cranford
Doyle (Marengo)

Edwards	Kirby	Rowe
Fuller	Lacy (Dallas)	Sanford
Garner	Lacy (Walker)	Seale
Gunter	Lee (Barbour)	Tarrant
Haley	Lee (Etowah)	Tunstall
Henley	Lindsey	Turner
Hughes	McCurdy	Urquhart
Jenkins	Peete	Vann
Jones	Pitts (Perry)	Williams (Barbour)
Killen	Pugh	Woolf
King	Rainer	

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Nays:

Messrs.

Ballard (Autauga)	Lawson	Sample
Benners	Mastin	Sanders
Carmichael	Mitchell	Sherrod
Coleman	Moore	Smith (Lee)
Cunningham	McDuffie	Stollenwerck
John	Parker	Woolf
Johnson	Rushton	

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To the House of Representatives:

I am directed by the governor to transmit to the House a message in writing.

JOHN D. MCNEEL,
Private Secretary.

Ang. 24, 1909.

GOVERNOR'S MESSAGE.

On motion of Mr. Killen, the House concurred in and adopted the amendment proposed by the governor to the bill H. 358, said governor's amendment being as follows

To the House of Representatives:

I herewith return to you, House bill 358, with the following amendments which will remove my objections to said bill:

Amend section 2, by inserting after the words, "books by assessor" which appear in the caption of said section, and before the words "must make" the words "the assessor." Amend section 2 of said bill by striking out the words "aggregate amount of State, county and special taxes," and inserting the following words: "Total amount of State taxes, and the total amount of county taxes in separate columns" after the words "with the" which appear in line 44 of said bill.

Amend section 5 of said bill by striking out the word "collected" where it appears in said section and inserting in lieu thereof the word "collector."

B. B. COMER,
Governor.

Aug 24, 1909.

Yeas, 56; nays, 0.

Yeas.

Messrs. Speaker	Henley	Rainer
Arnold	Hughes	Rowe
Arrington	John	Rushton
Ballard (Autauga)	Johnson	Sample
Ballard (Pike)	Jones	Sanders
Barton	Killen	Sauford
Benners	King	Seale
Bulger	Kirby	Sherrod
Burney	Lacy (Walker)	Smith (Lee)
Carmichael	Lee (Barbour)	Stollenwerck
Cooper	Lee (Etowah)	Tarrant
Cranford	Lindsey	Turner
Cunningham	Mitchell	Urquhart
Doyle (Marengo)	Moore	Vann
Edwards	McCrory	White (Perry)
Fuller	Parker	Williams (Barbour)
Garner	Peete	Williams (Lee)
Gunter	Pitts (Perry)	Woolf
Haley	Pugh	

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To the House of Representatives:

I am directed by the governor to transmit to you a message in writing. .

JOHN D. MCNEEL,
Private Secretary.

Aug. 24, 1909.

GOVERNOR'S MESSAGE.

On motion of Mr. Haley, the House concurred in and adopted the amendment proposed by the governor to the bill H. 182, said governor's amendment being as follows:

To the House of Representatives:

I herewith return House bill 182 without my approval and suggest the following amendment to meet my objections to said bill:

Amend section 3 so as to make it read as follows: "That the commissioner of agriculture and industries is hereby required and authorized to pay the several prizes enumerated above out of the funds provided for the expense of the agricultural department by sections 52 and 73 of the Code of 1907."

B. B. COMER,
Governor.

Aug. 24, 1909.

Yeas, 63; nays, 0.

Yeas.

Messrs. Speaker	Carmichael	Henley
Arnold	Cooper	John
Arrington	Cranford	Johnson
Ballard (Autauga)	Crum	Jones
Ballard (Pike)	Cunningham	Killen
Baltzell	Doyle (Marengo)	King
Barton	Edwards	Kirby
Benners	Fuller	Lacy (Dallas)
Bulger	Garner	Lacy (Walker)
Burney	Gunter	Lawson
Cannon	Haley	Lee (Barbour)

Lee (Etowah)	Pugh	Smith (Lee)
Lindsey	Rainer	Stollenwerck
Mastin	Ratray	Tarrant
Mitchell	Rowe	Turner
Moore	Rushton	Urquhart
McCurdy	Sample	Vann
Parker	Sanders	White (Perry)
Pearson	Sanford	Williams (Barbour)
Peete	Seale	Williams (Lee)
Pitts (Perry)	Sherrod	Woolf

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To the House of Representatives:

I am directed by the governor to transmit to the House a message in writing with accompanying documents.

JOHN D. MCNEEL,
Private Secretary.

Aug. 24, 1909.

GOVERNOR'S MESSAGE.

On motion of Mr. Fuller, the House concurred in and adopted the amendment proposed by the governor to the Bill H. 257, said governor's amendment being as follows:

To the House of Representatives:

I hereby return to you House bill No. 257 with the following amendment which will remove my objections thereto:

Amend the bill by inserting therein in sub-division 3, section 22, after the words, "same must set forth," and before the words, "tending" the words, "facts and circumstances, or both." Amend section 35 by striking out the words "jury" and insert in lieu thereof the word "court." Amend section 38 by inserting after section number 7385 the words, "of the Code of 1907."

B. B. COMER,
Governor.

Aug. 24, 1909.

Yeas, 58; nays, 2.

Yeas.

Messrs. Speaker	Henley	Pugh
Arnold	John	Rainer
Arrington	Johnson	Rowe
Ballard (Autauga)	Jones	Rushton
Ballard (Pike)	Killen	Sample
Baltzell	King	Sanders
Barton	Kirby	Sanford
Benners	Lacy (Walker)	Seale
Bulger	Lawson	Sherrod
Burney	Lee (Barbour)	Smith (Lee)
Cannon	Lee (Etowah)	Tarrant
Carmichael	Lindsey	Tunstall
Cooper	Mastin	Turner
Cranford	Mitchell	Urquhart
Cunningham	Moore	Vann
Edwards	McCrory	White (Perry)
Fuller	McCurdy	Williams (Barbour)
Garner	Peete	Williams (Lee)
Gunter	Pitts (Perry)	Woof
Haley		

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Nays:

Messrs.

McDuffie	Parker
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—2

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Haley.

H. J. R. 92. Resolved, by the Legislature of Alabama That the governor is hereby requested to return to the House, H. 360. That upon the return of the bill to the House, that the speaker is hereby requested and authorized to erase his signature therefrom, and that it be sent to the Senate with the request that the president of the Senate erase his signature therefrom.

And the resolution was adopted.

H. R. 93. (Rules Committee.) Resolved, That the doorkeeper of the House be and he is hereby relieved of any responsibility for all books delivered to him by the Secretary of State, for the use of members of the House and which books have been lost or mislaid.

And the resolution was adopted.

BILLS ON THIRD READING.

S. 137. To amend section 3860 of the Code of Alabama.

Was read a third time, at length and passed; yeas, 41; nays, 19.

Yeas.

Messrs. Speaker	Hughes	Rowe
Armstrong	Jenkins	Sample
Ballard (Autauga)	John	Sanders
Ballard (Pike)	Jones	Sanford
Barton	Kirby	Seale
Benners	Lacy (Walker)	Stollenwerck
Bulger	Lawson	Tarrant
Burney	Lee (Barbour)	Tunstall
Cranford	Lindsey	Vann
Doyle (Clarke)	Mitchell	Wittmeier
Doyle (Marengo)	McCurdy	White (Perry)
Garner	Parker	Williams (Lee)
Gunter	Pugh	Woolf
Haley	Rattray	

—41

Nays:

Messrs.

Cannon	Johnson	Pitts (Perry)
Carmichael	Killen	Rainer
Coleman	Moore	Rushton
Cooper	McCrary	Sherrod
Cunningham	McDuffie	Smith (Lee)
Edwards	Peete	Urquhart
Fuller		

—19

S. 25. To provide for county inspector of apiaries; to define their duties, and to provide for their compensa-

tion for the purpose of suppressing and avoiding of foul brood, or other contagious diseases among the bees or their hives in the State of Alabama.

Was taken up, and on motion of Mr. Bulger the bill, S. 25 was laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the committee on conference on the disagreement of the two Houses on the Senate amendment to the House bill 369, to allow confederate soldiers to engage in the business of peddling in the State of Alabama, without payment of license.

Yeas, 20; nays, 0.

And the Senate sends the same to the House herewith, together with said bill for the consideration of the House.

And the Senate has concurred in the House amendment to Senate bill 105. To regulate the packing and sale or other disposition of feed stuffs.

And the Senate has amended as therein shown and as amended has passed,

H. 251. To require persons, firms or corporations operating a public cotton gin to post a schedule of charges for ginning, to prevent discrimination and provide a punishment for the same.

The Senate has amended as therein shown and as amended has concurred in and adopted the House Joint Resolution, relative to the employment by the governor of a competent person to examine the Journals of the House and Senate after the adjournment of the present Legislature.

And the Senate sends the same herewith to the House.

J. A. KYLE,
Secretary.

CONFERENCE COMMITTEE REPORT.

On motion of Mr. John, the House concurred in and adopted the report of the committee of Conference on the disagreement of the two Houses on the Senate

amendment to the Bill H. 369. The report of said Conference committee being as follows:

Mr. Speaker:

The conferees appointed by the two Houses to confer upon the disagreeing votes of the two Houses on H. 369, "A bill to be entitled an act, to allow confederate soldiers to engage in the business of peddling in the State of Alabama without payment of license," having considered the same, report that the Senate amend the amendment adopted by the Senate by striking out the words "practicing law, medicine or dentistry" wherever they occur in the Senate amendment, and as thus amended the House concur therein.

JOHN GAMBLE,
JOHN W. HEACOCK,
H. F. REESE,
Senate Conferees.
SAMUEL WILL JOHN,
J. S. MCCRORY,
P. B. MASTIN,
House Conferees.

Yeas, 57; nays, 0.

Yeas:

Messrs. Speaker	Haley	Pitts (Perry)
Armstrong	Henley	Pratt
Arnold	Jenkins	Pugh
Arrington	John	Rainer
Ballard (Autauga)	Johnson	Ratray
Ballard (Pike)	Jones	Rice
Bartzell	Killen	Rushton
Barton	Lacy (Dallas)	Sample
Benness	Lacy (Walker)	Sanders
Bulger	Lawson	Sanford
Burney	Lee (Barbour)	Seale
Cannon	Lindsey	Sherrod
Carmichael	Mastin	Smith (Lee)
Cooper	Mitchell	Stollenwerck
Crum	Moore	Tunstall
Doyle (Clarke)	McCrory	Turner
Doyle (Marengo)	McCurdy	Urquhart
Fuller	McDuffie	Vann
Gunter	Parker	Wittmeier

SENATE MESSAGE.

On motion of Mr. Rainer the House concurred in and adopted the Senate amendment to the bill H. 251, said Senate amendment being as follows:

H. 251. Substitute for, To make it unlawful for persons, firms or corporations buying cotton seed and who own or operate a public gin for ginning cotton to charge one person, firm or corporation more than another for ginning cotton, and prescribe a penalty for the same.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm or corporation engaged in buying cotton seed and who also operates or owns a public ginnery in this State to charge any other or different price for ginning or ginning and wrapping cotton to any person selling said person, firm or corporation the seed or corporation charges for ginning or ginning and wrapping the cotton of a person, firm or corporation the seed out of his cotton.

Section 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars, and may also be sentenced to hard labor for a period of not over six months.

Yeas, 60 ; nays, 2.

Yeas :

Messrs. Speaker	Crum	Lacy (Walker)
Armstrong	Cunningham	Lawson
Arnold	Doyle (Clarke)	Lindsey
Arrington	Doyle (Marengo)	Mastin
Ballard (Autauga)	Edwards	Mitchell
Ballard (Pike)	Fuller	Moore
Barton	Garner	McCrory
Benners	Gunter	McCurdy
Bulger	Haley	Parker
Burney	Henley	Pearson
Cannon	John	Peete
Carmichael	Johnson	Pitts (Perry)
Cleman	Jones	Pratt
Cooper	Killen	Pugh
Cranford	Lacy (Dallas)	Rainer

Ratray	Sanders	Tarrant
Rice	Sanford	Tunstall
Rowe	Sherrod	Vann
Rushton	Smith (Lee)	White (Perry)
Sample	Stollenwerck	Woolf

—60

Nays:

Messrs.

McDuffie

Williams (Barbour)

—2

On motion of Mr. John, the Senate substitute for H. J. R. No. 91, was referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your committee on Enrolled Bills begs leave to report that it has examined, and found correctly enrolled the follownig bills:

H. 330. To prohibit the sale of adulterated seed for planting or sowing purposes in Henry county, Alabama.

H. 339. To amend section 1182 of the Code of Alabama.

H. 229. To amend section 534 of the Code of Alabama.

H. 210. To require courts of county commissioners and boards of revenue, in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description, of the county, to pay over each year to each municipality therein one-half of the money collected on such road tax on the property located in such municipality, and to provide for disposition of such money.

H. 68. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

H. 193. To authorize boards of revenue and courts of county commissioners to make appropriations for the installation and maintenance of exhibits of the agricultural and mineral resources of their counties.

H. 305. To require all persons, firms or corporations engaged in or carrying on the business of issuing trading stamps to merchants to pay a license tax.

H. 223. To amend section 7851 of the Code of Alabama.

H. 371. To amend section 7083 of the Code of Alabama, of 1907.

H. 160. To regulate the procedure in the trial of causes, wherein lands are sought to be condemned.

H. 313. To provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county, to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

H. 324. To prescribe the restrictions and conditions under which regular practicing physicians who are retail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act and for other violations thereof.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received from his excellency, the governor, the accompanying message proposing an amendment to the bill, S. 79. To provide for the appointment of an official stenographer for each of the circuit courts of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

The amendment as proposed to said bill by the governor being as follows:

To the Senate:

I herewith return Senate bill 79, suggesting the following amendment, which will remove my objections to said bill:

Amend the title by adding after the words "circuit court" the following words "and courts of like jurisdiction for which a stenographer is not now provided by law."

Amend section 1 of said bill by adding after the words "their several courts" the following words "and courts of like jurisdiction within the circuit not otherwise provided with an official stenographer."

Amend section 4 by striking out the last sentence, to-wit: "That said stenographer shall be subject at all times to the order of the circuit judge" and inserting in lieu thereof the following sentence, to-wit: "Said stenographer shall at all times when not in attendance upon the circuit court serve in any other court of like jurisdiction within the circuit under the same rules and under conditions governing him in the circuit court and shall be subject at all times to the order of the judges of the court in which he is engaged."

Amend section 6 by striking out the words "the court is to be held in such county as fixed by law" and insert in lieu thereof the following words, to-wit: "The said stenographer is in attendance upon the courts held in such county."

B. B. COMER, Governor.

Aug. 24, 1909.

And the Senate has concurred in and adopted the amendment proposed by the governor to said bill by a majority vote of the whole number elected to the Senate, the vote on said amendment being: Yeas, 19; nays, 0.

And the Senate herewith transmits said bill to the House for its consideration and action.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Cooper the House concurred in and adopted the amendment proposed by the governor to the bill, S. 79, said governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 62; nays, 2.

Yeas:

Messrs. Speaker	Haley	Pitts (Perry)
Armstrong	Henley	Pratt
Arnold	Jenkins	Pugh
Arrington	John	Rainer
Ballard (Autauga)	Johnson	Rattray
Ballard (Pike)	Jones	Rice
Baltzell	Killen	Rowe
Benners	Lacy (Dallas)	Rushton
Bulger	Lacy (Walker)	Sample
Burney	Lawson	Sanders
Carmichael	Lee (Barbour)	Sanford
Coleman	Lee (Etowah)	Seale
Cooper	Lindsey	Sherrod
Cranford	Mastin	Smith (Lee)
Crum	Mitchell	Stollenwerck
Doyle (Clarke)	Moore	Tarrant
Doyle (Marengo)	McCrory	Tunstall
Edwards	McCurdy	Turner
Fuller	Norville	Urquhart
Garner	Parker	Woolf
Gunter	Peete	

Nays:

Messrs.

Barton

McDuffie

—62

—2

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown and as amended has passed,

H. 259. To provide for and regulate the manufacture, sale and inspection of mixed feed stuffs in Alabama, and to provide penalties for violations of this act.

And herewith returns same to the House.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Cooper, the House concurred in and adopted the Senate amendment to the bill, H. 259, said amendment being as follows:

Amend H. 259 by adding to section 10 thereof, the following:

"Provided that nothing in this section shall prevent the sale of mixed feed stuff within this State, containing ground oat hulls and oat materials, which conforms to the standards of section 1 of this act."

So that section 10 shall read as follows:

Section 10. The commissioner of agriculture and industries shall have the power to refuse the registration of any mixed feed stuff under a name which would be misleading as to the materials of which it is made up, or when the percentage of crude fibre is above, or the percentage of fat and protein below, the standard provided for by this act. Should such materials as referred to above be registered, and it is afterward discovered that they are in violation of the above provisions, the commissioner of agriculture and industries shall have the power to cancel the registration, and notify the manufacturer, importer or jobber interested. Any manufacturer, importer or jobber, agent or seller, who shall sell, offer or expose for sale or distribution in this State any mixed feed stuffs, as defined in section 2 of this act, without complying with the requirements of the preceding sections of this act, or who shall sell or offer for sale or expose for sale or distribution, any mixed feed stuffs,

which contain substantially a smaller percentage of constituents than are certified on the tag, stamp, bag or package in which the same is contained, or who shall adulterate any mixed feed stuff with foreign, mineral or other substances, such as rice hulls, rice chaff, peanut shells, ground, corn cobs ground, beat fibre, ground oat hulls, or other similar materials of little or no value, or with damaged or moldy or rotten corn, or other grain or substances injurious to the health of domestic animals and poultry, except in cases of damaged or moldy feed when not sold with personal inspection, written notice being given the purchaser, shall be guilty of a violation of the provisions of this act, and be fined not less than ten dollars nor more than twenty-five dollars, and may be imprisoned not exceeding six months for each subsequent offense, or fined not less than fifty dollars nor more than one hundred dollars. Provided that nothing in this section shall prevent the sale of mixed feed stuff within this State containing ground oat hulls and oat materials, which conforms to the standards of section 1 of this act.

Amend H. 259 by striking out in section 4 thereof, all after the word "parts" in line 16, so that section 4 shall read as follows:

Section 4. Each and every manufacturer, importer, jobber, agent or seller, before selling, offering or exposing for sale in this State, any mixed feed stuff, as defined in section 2 of this act, shall for each and every mixed feed stuff bearing a distinguishing name or trademark, file with the commissioner of agriculture and industries the said brand, name or trademark, and the same must be registered with the commissioner of agriculture and industries when the said application is accompanied by a fee of one dollar, and shall file with the commissioner of agriculture and industries a copy of the statement named in section 1 of this act, and accompanying said statement by a sealed glass jar or bottle, containing at least two pounds of the mixed feed stuff to be sold, exposed or offered for sale, which sample shall correspond to the mixed feed stuff which it represents in the percentage of protein, fat and fibre which it contains, together with a statement showing the component parts.

Amend H. 259 by striking out section 1, and inserting in lieu thereof:

Section 1. Be it enacted by the Legislature of Alabama: That every lot or parcel of mixed feed stuffs intended for use in feeding domestic animals or poultry, manufactured, sold, offered or exposed for sale within this State, shall have printed on the bag or other package containing it or affixed thereto, in a conspicuous place on the outside thereof, a legibly and plainly printed statement clearly and truly certifying the number of net pounds of feeding stuff contained therein; provided that all mixed feed stuffs shall be packed in bags or packages containing fifty pounds net weight, or one hundred pounds net weight, or one hundred and seventy-five pounds net weight or two hundred pounds net weight; also stating the name, brand, or trade mark under which the article is sold, and the name and address of the manufacturer, importer or jobber of the article; and further stating the true name of each of the ingredients entering into the composition of mixed feed stuffs, and a statement of the minimum percentage that it is guaranteed to contain of crude protein and crude fat added together, and the maximum percentage of crude fibre guaranteed; allowing one per cent of nitrogen to equal six and one-fourth per cent of protein; all three constituents to be determined by the methods in use at the time by the Association of Official Agricultural Chemists of the United States; and provided further that no mixed feed stuffs shall be sold, offered or exposed for sale within this State which does not contain at least thirteen and one-half per cent of crude protein and crude fat added together, or which contains more than twelve per cent of crude fibre.

Each and every mixed feed stuff coming within the provisions of this act, shall be registered with the commissioner of agriculture and industries, upon blanks furnished by said commissioner, before the same shall be sold, offered or exposed for sale within this State; provided that if any change be made in the name, brand, or trade mark of the article, or in the guaranteed article, or in the guaranteed analysis thereof, or in the ingredients

entering into its composition, after said registration, immediate notice of such change or changes shall be given to the said commissioner.

Add at the end of section one of the bill these words:

"Provided nothing in this act shall prevent the sale of cattle feed whose base is cotton seed meal and hulls."

Amend by striking out sections 5 and 13.

Yeas, 56; nays, 3.

Yeas:

Messrs. Speaker	Edwards	McCrory
Armstrong	Fuller	McCurdy
Arnold	Garner	McDuffie
Ballard (Autauga)	Gunter	Parker
Ballard (Pike)	Henley	Peete
Baltzell	Jenkins	Pitts (Perry)
Benners	John	Pugh
Bulger	Jones	Rainer
Burney	Killen	Rattray
Cannon	King	Rice
Carmichael	Kirby	Rushton
Coleman	Lacy (Dallas)	Sanders
Cooper	Lacy (Walker)	Sanford
Cranford	Lawson	Seale
Crum	Lee (Etowah)	Sherrod
Cunningham	Lindsey	Stollenwerck
Doyle (Clarke)	Mastin	Tarrant
Doyle (Marengo)	Mitchell	Urquhart
Dudley	Moore	

—56

Nays:

Messrs.

Hailey	Sample	Turner
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—3

On motion of Mr. John, the House nonconcurrent in the Senate substitute for H. J. R. 91, and asked for a committee of conference.

Committee on part of the House: Messrs. John, Tunstall, Rice.

RECESS.

The hour of one o'clock having arrived the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. Carmichael, of Colbert.

H. J. R. 94. Resolved by the House, the Senate concurring. That the governor be and he is hereby requested to return to the House the following House bills:

H. 223. To amend section 7851 of the Code of Alabama.

H. 324. To prescribe the restrictions and conditions under which regular practicing physicians who are retail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act, and for other violations thereof.

H. 371. To amend section 7083 of the Code of Alabama of 1907.

Also H. 313,

For the purpose of having the Speaker of the House and the President of the Senate erase their signatures therefrom.

Be it further resolved, That the Speaker of the House and President of the Senate are authorized and requested to erase their signatures from said bills upon their return by the governor.

And the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the committee on conference on the disagreement of the two Houses on the Senate amendment to

H. 156. In relation to social clubs and societies for the social or literary advancement of their members or

both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence; to revoke the charter of those not complying with this act; and to prescribe penalties.

The vote on said adoption being: Yeas, 19; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. KYLE, Secretary.

CONFERENCE COMMITTEE REPORT.

On motion of Mr. John, the House concurred in and adopted the report of the conference committee on the disagreement of the two Houses to the Senate amendment to the bill, H. 156, said report of said conference committee being as follows:

Mr. Speaker:

Your committee on conference appointed to confer with a like committee on the part of the Senate regarding the disagreement of the two Houses upon the Senate amendments to House bill 156, beg leave to report that they have unanimously agreed upon a substitute for said bill, which substitute is herewith reported and its adoption recommended.

This August 24th, 1909.

SAM'L WILL JOHN,
M. W. RUSHTON,
R. L. SEALE,

Committee on the part of the House.

NATHAN L. MILLER,
ROBT. E. SPRAGINS,
E. P. THOMAS,

Committee on the part of the Senate.

Substitute for House bill 156 reported and recommended by joint committee on conference of the two Houses:

A bill to be entitled an act in relation to social clubs and societies for the social or literary advancement of their members or both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence; to revoke the charter of those not complying with this act; and to prescribe penalties.

Section 1. Be it enacted by the Legislature of Alabama, That social clubs and societies for the social or literary advancement of their members or both, may become incorporated and entitled to all the privileges of private corporations in the following manner, and in the following manner only, and subject to the following restrictions:

(a) Such persons shall first adopt a constitution and elect officers, which shall be a president, vice-president, secretary and treasurer, and such other officers, if any, as the members may prescribe, but one person may fill both of the offices of secretary and treasurer, and the club or society may provide for a governing board, or board of control, or other similar board if it desires to do so; and the officers so elected shall file in the office of the judge of probate of the county in which such club or society is located a declaration in writing stating the name, objects and purposes of the club or society, the adoption of a constitution, and the name and style and the post-office addresses of its officers, also the names and number and postoffice addresses of its members, and whether such club or society issues shares of stock or is formed for pecuniary or for non-pecuniary purposes exclusively, and if formed for pecuniary purposes and if it issues shares of stock the declaration shall state the amount of stock, the number of shares into which it is divided and by whom held.

(b) The said declaration shall also exhibit therewith a copy of the constitution and of the by-laws, if any by-laws have been adopted. Said constitution must set forth as an article thereof that said club, social or literary society shall have no right to engage in and that it will not engage in, the business of selling, or keeping for

sale or otherwise disposing of any liquors, liquids or beverages that are prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State, and that the said club, social or literary society shall not permit its members to keep or store any such prohibited liquors or beverages at or near the premises of the corporation for use by or consumption by its members or others, or for distribution or division among its members or their guests, and that the said corporation will not maintain any unlawful drinking place or any liquor nuisance contrary to the laws of Alabama, and that if it does so it is understood that its charter and rights as a corporation will be forfeited.

(c) That said constitution shall also contain an article to the effect that the club, or society to be organized shall not permit any game to be played for wager, or any gambling, or the presence of any gambling device on, or about the premises, or at the club room of the corporation, and that if it does any of these things it agrees that its charter and rights as a corporation will be forfeited. The limitations herein contained shall not be construed so as to prohibit the playing of cards, dominoes, chess, pool, billiards, or other like amusements where nothing is wagered on such game.

(d) Any such social club, or social or literary society violating any law of the State for the promotion of temperance and the suppression of intemperance, or permitting its members or their guests to do so on or about the premises, or which shall violate any law of the State prohibiting the sale or other disposition of spirituous, vinous or malt liquors, or other liquors or beverages prohibited by law to be sold, given away or otherwise disposed of, or shall keep or maintain any unlawful drinking place or liquor nuisance contrary to the laws of Alabama shall thereby forfeit its charter and cease to be a body corporate, but any forfeiture under this act may be declared by suit against the corporation in "quo warranto" before a court of competent jurisdiction if any person or officer wishes to bring such suit under the Code of Alabama regulating procedure in "quo warranto" cases.

(e) No probate judge shall receive a declaration for the incorporation of such club or society, or shall issue any charter or certificate of incorporation to any such club or society unless the declaration complies with this statute and the constitution contains the articles herein required to be incorporated in such constitution.

(f) If any member or officer of such club, social or literary society aids or abets in keeping on, at or about the premises any unlawful drinking place, or liquor nuisance, as defined by the laws of Alabama, he shall be guilty of a misdemeanor and shall be punished as the law prescribes for the punishment of those who keep or maintain such unlawful drinking places or liquor nuisances.

(g) The declaration to be filed with the probate judge for the organization of the club or society shall be signed by the officers, acknowledged or approved as in the case of deeds, and recorded in the office of such probate judge; and the judge of probate for such recording and other services in and about the organization of such corporations under this act shall be entitled to the same compensation he receives for similar services under existing laws and he may charge the usual recording fees for recording the declaration, constitution and the by-laws.

Section 2. That all existing clubs, social and literary societies chartered or organized by or under any statute or law of the State shall, if they continue their existence, be subject to the restrictions and inhibitions of this act, and shall forfeit their charters for such acts and things as are made a ground of forfeiture in any subdivision of the preceding section, and their officers and members shall be subject to the same penalty for the same acts and things as is prescribed in sub-section (f) of the first section; and this act to the extent herein indicated, shall be treated as and shall constitute an amendment of the charter of all such existing social clubs, and social or literary societies.

Section 3. That every such social club, or social or literary society chartered by or under any statute or law of Alabama desiring to continue its existence as a cor-

poration shall within sixty days after the passage of this statute cause to be filed with the probate judge of the county wherein it is located a statement under oath made by one of its officers, giving the names and addresses of all of its members, showing whether it maintains a club, room or other place where the members resort and its location; and the charter of every such club or society that fails within sixty days to file such statement with the probate judge shall at the expiration of said period stand revoked and have no further validity. The probate judge shall be entitled to charge the usual fees for filing and recording said statement.

Section 4. The property of corporations formed bona fide under this act, for other than pecuniary purposes shall be, to an amount not exceeding two thousand dollars, exempt from all State, county and municipal taxation and license; but if used for any purpose than legitimately pertains to the objects of such society, it shall not be so exempt.

Section 5. That section 3621 of said Code is hereby repealed and all laws and parts of laws in conflict with this statute are repealed; and this act shall go into effect from and after its approval by the Governor, the public welfare requiring it.

Yeas, 58; nays, 3.

Yeas:

Messrs. Speaker	Cunningham	Lacy (Walker)
Armstrong	Doyle (Clarke)	Lawson
Arnold	Doyle (Marengo)	Lee (Barbour)
Arrington	Fuller	Lindsey
Ballard (Autauga)	Garner	Mastin
Ballard (Pike)	Gunter	Mitchell
Baltzell	Haley	Moore
Barton	Henley	McCrary
Benners	Hughes	Parker
Bulger	John	Pearson
Burney	Johnson	Peete
Carmichael	Jones	Pitts (Perry)
Coleman	Killen	Pratt
Cooper	King	Pugh
Cranford	Kirby	Rainer

Rattray
Rice
Rowe
Rushton
Sanders

Seale
Smith (Lee)
Stollenwerck
Tarrant

Tunstall
Urguhart
Wittmeier
Voolf

—58

Nays:

Cannon

McDuffie

Williams (Barbour)

—3

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the Governor to the following House bill:

H. 182. To encourage a better system of agriculture in this State.

And the Senate has concurred in and adopted the amendment proposed by the governor to the following House bill:

H. 358. To amend sections 2120, 2122, 2156, 2174, and 2178 and 2158 of the Code of Alabama.

And the Senate has concurred in and adopted the amendment proposed by the governor to the following House bill:

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance, and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

And returns said bills herewith to the House together with the amendment proposed by the governor.

J. A. KYLE, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has received from his excellency, the governor, the accompanying message proposing an amendment to the bill S. 9. To provide a fund for the compensation and expenses of the assistant bank examiners.

The amendment as proposed to said bill by the governor being as follows :

To the Senate :

I return herewith Senate bill 9 without my approval and suggest the following amendment to meet my objections thereto :

Amend section 6 of said bill by striking out the words "section 1" where they appear in said section and insert the words "section 2," in lieu thereof.

B. B. COMER, Governor.

Aug. 24, 1909.

And the Senate has concurred in and adopted the amendment proposed by the governor to said bill by a majority vote of the whole number elected to the Senate, the vote on said amendment being: Yeas, 21; nays, 0.

And the Senate herewith transmits said bill to the House for its consideration and action.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. John, the House concurred in and adopted the amendment proposed by the governor to the bill, S. 9, said amendment proposed by the governor being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas :

Messrs. Speaker	Ballard (Autauga)	Benners
Armstrong	Ballard (Pike)	Bulger
Arnold	Baltzell	Burney
Arrington	Barton	Carmichael

Cooper	Lacy (Walker)	Rice
Cranford	Lawson	Rowe
Cunningham	Lindsey	Rushton
Doyle (Clarke)	Mastin	Sample
Doyle (Marengo)	Mitchell	Sanders
Fuller	Moore	Seale
Garner	McCrory	Sherrod
Haley	McCurdy	Smith (Lee)
Henley	Norville	Stollenwerck
Hughes	Pearson	Tarrant
John	Peete	Tunstall
Johnson	Pitts (Perry)	Urquhart
Jones	Pratt	Wittmeier
Killen	Pugh	White (Perry)
King	Rainer	Williams (Barbour)
Kirby	Rattray	Williams (Lee)

—60

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has received from his excellency, the governor, the accompanying message proposing an amendment to the bill, S. 3. To amend section 4559 of the Code of Alabama.

The amendment as proposed to said bill by the governor being as follows :

To the Senate :

I herewith return Senate bill 3 without my approval and suggest the following amendment to meet my objections thereto: Amend said bill by inserting after the words "approval of the insurance commissioner" where they appear in said bill, the words "the attorney general and the governor."

B. B. COMER, Governor.

Aug. 24, 1909.

And the Senate has concurred in and adopted the amendment proposed by the governor to the bill by a majority vote of the whole number elected to the Senate, the vote on said amendment being: Yeas, 21; nays, 0.

And the Senate herewith transmits said bill to the House for its consideration and action.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. John, the House concurred in and adopted the amendment proposed by the governor to the bill, S. 3, said amendment proposed by the governor being set out in the above and foregoing message from the Senate.

Yeas, 66; nays, 0.

Yeas:

Messrs. Speaker	Gunter	Peete
Armstrong	Haley	Pitts (Perry)
Arnold	Henley	Pugh
Ballard (Autauga)	Jenkins	Rainer
Ballard (Pike)	John	Ratray
Baltzell	Johnson	Rice
Barton	Jones	Rowe
Benners	Killen	Rushton
Bulger	King	Sample
Burney	Lacy (Dallas)	Sanders
Cannon	Lacy (Walker)	Sanford
Carmichael	Lawson	Seale
Coleman	Lee (Barbour)	Sherrod
Cooper	Landsey	Smith (Lee)
Cranford	Mastin	Stollenwerck
Crum	Mitchell	Tarrant
Doyle (Clarke)	Moore	Tunstall
Doyle (Marengo)	McCrory	Urquhart
Dudley	McCurdy	Vann
Edwards	McDuffie	White (Perry)
Fuller	McMillan	Williams (Lee)
Garner	Parker	Woolf

—66

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received from his excellency, the governor, the accompanying message proposing an amendment to the bill, S. 7. To authorize and empower the com-

missioners' court, board of revenue, or other court or county officers of similar or like jurisdiction, to donate or appropriate funds from the county treasury to aid in the construction or improvement of necessary buildings and the maintenance and support of those State schools known as county high schools, established under the act of the Legislature approved August 7th, 1907, and to ratify and confirm all appropriations heretofore made for such purposes and to repeal all laws and parts of laws in conflict therewith.

The amendment as proposed to said bill by the governor being as follows:

To the Senate:

I return herewith Senate bill 7 without my approval and suggest the following amendment to meet my objections thereto:

Amend the said bill by adding to the last section of said bill the following: "provided further that the appropriations being tested by such pending suits are hereby ratified and confirmed, and this act shall not be set up as a defense to any such pending suit."

B. B. COMER, Governor.

Aug. 24, 1909.

And the Senate has concurred in and adopted the amendment proposed by the governor to said bill by a majority vote of the whole number elected to the Senate, the vote on said amendment being: Yeas, 24; nays, 0.

And the Senate herewith transmits said bill to the House for its consideration and action.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. John the House concurred in and adopted the amendment proposed by the governor to the bill, S. 7, said amendment proposed by the governor being set out in the above and foregoing message from the Senate.

Yeas, 63; nays, 0.

Yeas:

Messrs. Speaker	Garner	Norville
Armstrong	Gunter	Pearson
Arnold	Haley	Peete
Arrington	Henley	Pitts (Perry)
Ballard (Autauga)	Jenkins	Pratt
Ballard (Pike)	John	Rainer
Baltzell	Johnson	Rattray
Benners	Jones	Rice
Bulger	Killen	Rowe
Burney	King	Rushton
Cannon	Lacy (Dallas)	Sample
Carmichael	Lacy (Walker)	Sanders
Coleman	Lawson	Sanford
Cooper	Lee (Barbour)	Seale
Cranford	Lindsey	Tarrant
Crum	Mitchell	Tunstall
Doyle (Clarke)	Moore	Turner
Doyle (Marengo)	McCrary	Urquhart
Dudley	McCurdy	Vann
Edwards	McDuffie	Williams (Lee)
Fuller	McMillan	Woolf

—63

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received from his excellency, the governor, the accompanying message proposing an amendment to the bill, S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

The amendment as proposed to said bill by the governor being as follows:

To the Senate:

I herewith return Senate bill 87 without my approval and suggest the following amendment to meet my objections thereto:

Amend section 8 of said bill by striking out the words, "clerk of the probate court," where they appear therein and insert in lieu thereof the words "judge of probate."

B. B. COMER, Governor.

Aug. 24, 1909.

And the Senate has concurred in and adopted the amendment proposed by the governor to said bill by a majority of the whole number elected to the Senate, the vote on said amendment being: Yeas, 24; nays, 0.

And the Senate herewith transmits said bill to the House for its consideration and action.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Ballard, of Autauga, the House concurred in and adopted the amendment proposed by the governor to the bill, S. 87, said amendment proposed by the governor being set out in the above and foregoing message from the Senate.

Yeas, 67; nays, 0.

Yeas:

Messrs. Speaker	Doyle (Clarke)	Lacy (Walker)
Armstrong	Doyle (Marengo)	Lawson
Arnold	Dudley	Lee (Barbour)
Arrington	Edwards	Lee (Etowah)
Ballard (Autauga)	Fuller	Lindsey
Ballard (Pike)	Garner	Mitchell
Baltzell	Gunter	Moore
Barton	Haley	McCrary
Benners	Henley	McCurdy
Bulger	Hughes	McDuffie
Burney	Jenkins	McMillan
Cannon	John	Parker
Carmichael	Johnson	Peete
Coleman	Jones	Pitts (Perry)
Cooper	Killen	Pratt
Cranford	King	Pugh
Crum	Lacy (Dallas)	Ralner

Rattray	Sanford	Tarrant
Rice	Seale	Tunstall
Rowe	Sherrod	Vann
Rushton	Smith (Lee)	Williams (Barbour)
Sample	Stollenwerck	Woolf
Sanders		

—67

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received from his excellency, the governor, the accompanying message proposing an amendment to the bill,

S. 107. To provide for an official shorthand reporter for the city court of Anniston and the circuit court of Calhoun county, to prescribe the term of office and duties of such reporter, and to fix his compensation.

The amendment as proposed to said bill by the governor being as follows:

To the Senate:

I return herewith Senate bill 107 without my approval and suggest the following amendments to meet my objections thereto:

Amend section 1 of said bill by striking out the words "That there is hereby created the office of official shorthand reporter of the city court of Anniston and the circuit court of Calhoun county, which official reporter shall be appointed by the judges of said courts" and inserting in lieu thereof the following words, "that the board of county commissioners of Calhoun county, Alabama, is hereby authorized to create the office of official shorthand reporter of the city court of Anniston and the circuit court of Calhoun county, which official reporter shall be elected by said board of county commissioners."

Amend section 5 of said bill by inserting after the words "investigation by such grand jury," where they appear in said section, the words "and in any preliminary trial of a felony case."

B. B. COMER, Governor.

August 24th, 1909.

And the Senate has concurred in and adopted the amendment proposed by the governor to the bill by a majority vote of the whole number elected to the Senate, the vote on said amendments being: Yeas, 18; nays, 0.

And the Senate herewith transmits said bill to the House for its consideration and action.

J. A. KYLE, Secretary.

SENATE MESSAGE.

On motion of Mr. Cooper the House concurred in and adopted the amendment proposed by the governor to the bill, S. 107, said amendment proposed by the governor being set out in the above and foregoing message from the Senate.

Yeas, 44; nays, 17.

Yeas:

Messrs. Speaker	Henley	Pitts (Perry)
Armstrong	Hughes	Pugh
Ballard (Autauga)	Jenkins	Rowe
Bulger	John	Rushton
Burney	Johnson	Sample
Cannon	Jones	Sanders
Carmichael	Killen	Smith (Lee)
Cooper	Lindsey	Tarrant
Cranford	Long (Butler)	Turner
Crum	Mitchell	Urquhart
Doyle (Clarke)	Moore	Vann
Doyie (Marengo)	McCrory	Wittmeier
Dudley	McCurdy	Williams (Lee)
Fuller	Pearson	Woolf
Garner	Peete	

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Nays:

Messrs.

Arnold	Haley	Pratt
Arrington	Lacy (Dallas)	Sherrod
Benners	Lacy (Walker)	Stollenwerck
Coleman	Mastin	Tunstall
Edwards	McDuffie	Williams (Barbour)
Gunter	Parker	

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To the House of Representatives:

I am directed by the governor to transmit to the House a message in writing.

JOHN D. MCNEEL,
Private Secretary.

Aug. 24, 1909.

GOVERNOR'S MESSAGE.

On motion of Mr. John, the House concurred in and adopted the amendment proposed by the governor to the bill, H. 68, said governor's amendment being as follows: To the House of Representatives:

I herewith return House bill 68 without my approval and suggest the following amendments to meet my objections thereto:

Amend section one of said bill by striking out the words "of their respective counties" which appears in the third line of said section.

Amend said bill by striking out the word "county" wherever it may appear in each section of said bill and substituting therefor the word "state."

B. B. COMER, Governor.

Aug. 24, 1909.

Yeas, 41; nays, 13.

Yeas:

Messrs. Speaker	Dudley	Pitts (Perry)
Armstrong	Garner	Pugh
Arnold	Henley	Rowe
Ballard (Autauga)	John	Rushton
Ballard (Pike)	Jones	Sample
Baltzell	Killen	Smith (Lee)
Benners	King	Stollenwerck
Bulger	Kirby	Tarrant
Burney	Lindsey	Turner
Carmichael	Moore	Urquhart
Cranford	McCrary	Vann
Cunningham	McCurdy	White (Perry)
Doyle (Clarke)	Pearson	Woolf
Doyle (Marengo)	Peete	

Nays:
Messrs.

Cannon	Lacy (Walker)	Pratt
Edwards	Mastin	Sanders
Fuller	McDuffie	Sherrod
Haley	Parker	Williams (Barbour)
Hughes		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in H. J. R. 92 relative to return by governor of House bill 360 and erasures of signatures therefrom.

And the Senate has concurred in H. J. R. 94 relative to return by governor of House bills 223, 324, 371 and 313 and erasures of signatures from said bills.

And returns said resolutions herewith to the House.

J. A. KYLE, Secretary.

To the House of Representatives:

In accordance with House joint resolutions 92 and 9 heretofore adopted, I herewith return to the House the following House bills: H. 360, H. 371, H. 313, H. 223, H. 324.

B. B. COMER, Governor.

Aug. 24, 1909.

ERASURE OF SIGNATURE.

The Speaker of the House in the presence of the House in pursuance to a resolution heretofore adopted erased his signature from the House bills 360, 371, 313, 223 and 324.

MESSAGE FROM THE SENATE.

Mr. Speaker:

In compliance with the request of the House the president of the Senate in the presence of the Senate has erased his signature from the following House bills: H. 360, H. 313, H. 371, H. 323, H. 324.

And the Senate has concurred in and adopted the amendments proposed by the governor to H. 68.

Yeas, 18; nays, 1.

Which was a majority of the whole number elected to the Senate.

And returns same herewith to the House.

J. A. KYLE, Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled Bills begs leave to report that it has examined, and found correctly enrolled the following bills :

H. 79. To regulate the sale of food and drugs in the State of Alabama, to provide for enforcement and inspectors and prescribe penalties for violations thereof.

H. 226. To amend sections 161, 162, 163, and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13, 1907.

H. 325. To provide for the further protection of fish in Baldwin county, to prevent the taking or catching of fish in any lake, river, creek or bayou in said county except with hook and line; and to provide a penalty for the same; to make it unlawful for any non-resident engaged in the business of commercial fishing to take fish in Baldwin county.

H. 301. To suppress gaming and gaming places.

H. 90. To amend an act entitled an act to amend an act to establish a State live stock sanitary board and the office of State veterinarian in order to further protect live stock from contagious and infectious diseases, and to provide for eradicating and excluding such diseases from this State; approved August 6th, 1907.

H. 41. To authorize the holding of elections by municipal corporations in this State of Alabama, for the purpose of obtaining authority to issue bonds for public

purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds.

H. 251. To make it unlawful for persons, firms or corporations buying cotton seed and who own or operate a public gin for ginning cotton to charge one person, firm or corporation more than another for ginning cotton and prescribe a penalty for the same.

H. 246. To amend an act entitled "An act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction, and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof, and adding sections 94½ 107 1-2, 137 1-2, 139 1-2, 76 1-2.

H. 257. To further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two Houses on the Senate amendment to H. J. R. 91.

And the president appointed as conferees on the part of the Senate, Messrs. Merritt, Gamble and Barbour.

J. A. KYLE,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The committee of conference on the disagreement of the two Houses on the Senate amendment to H. J. R. 91. Having reported and recommended that the Senate reconsider the vote by which the amendment to H. J. R. 91, was adopted and concurred in said H. J. R. No. 91.

The Senate recosidered the vote by which said amendment was adopted and concurred in said H. J. R. No. 91.

And returns same herewith to the House.

J. A. KYLE,
Secretary.

RESOLUTION.

The following resolution was introduced :

By Mr. Gunter.

H. J. R. 95. Resolved by the House, the Senate concurring, That the governor be and he is hereby requested to return to the House, House bill 246. To amend an act entitled an act to provide for the organization, incorporation, government and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this Act, by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof, and adding sections 94 1-2, 107 1-2, 137 1-2, 139 1-2, 140 1-2.

And that upon the return of said bill to the House the speaker of the House be requested and authorized to erase his signature from the said bill, and that the president of the Senate be requested and authorized to erase his signature from said bill.

And the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in H. J. R. No. 95, relative to return by governor of House bill No. 246 and erasure of signatures therefrom, and herewith returns said resolution to the House.

J. A. KYLE,
Secretary.

To the House of Representatives:

In accordance with House Joint Resolution No. 95, I herewith return House bill No. 246.

B. B. COMER,
Governor.

Aug 24, 1909.

ERASURE OF SIGNATURE.

The Speaker of the House in the presence of the House, in accordance to a Joint Resolution heretofore adopted erased his signature from the bill H. 246.

MESSAGE FROM THE SENATE.

Mr. Speaker:

In accordance with H. J. R., heretofore adopted the president of the Senate in the presence of the Senate erased his signature from the bill, H. 246.

And said bill is herewith returned to the House.

J. A. KYLE,
Secretary.

To the House of Representatives:

I am directed by the governor to transmit to the House a message in writing.

JOHN D. MCNEEL,
Private Secretary.

Ang 24, 1909.

GOVERNOR'S MESSAGE.

On motion of Mr. Gunter, the House concurred in and adopted the amendment proposed by the governor to the bill H. 226, said governor's amendment being as follows:

To the House of Representatives:

I return herewith House bill 226 without my approval and suggest the following amendment to meet by objections to the said bill:

Amend section one of said bill by striking out the following words: "Of an act entitled an act to amend sections 161, 162, 163, 164," where they appear in line two of said section.

B. B. COMER,
Governor.

Ang. 24, 1909.

Yeas, 57; nays, 2.

Yeas:

Messrs. Speaker	Cranford	Johnson
Armstrong	Crum	Jones
Arnold	Cunningham	Killen
Arrington	Doyle (Clarke)	King
Ballard (Antauga)	Doyle (Marengo)	Kirby
Ballard (Pike)	Edwards	Lacy (Dallas)
Barton	Fuller	Lacy (Walker)
Benners	Garner	Lawson
Bulger	Gunter	Lindsey
Burney	Haley	Mastin
Cannon	Henley	Mitchell
Carmichael	Hughes	Moore
Cooper	John	McCrary

McCurdy	Pugh	Seale
Parker	Rainer	Sherrod
Pearson	Rice	Stollenwerck
Peete	Rowe	Turner
Pitts (Perry)	Rushton	Urquhart
Pratt	Sanders	White (Perry)
		—57
Nays:		
Messrs.		
McDuffie	Tunstall	
		—2

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on Enrolled bills begs leave to report that it has examined and found correctly enrolled the following bills and House joint resolution :

H. 182. To encourage a better system of agriculture in this State.

H. 313. To provide for holding terms of the circuit court of Coffee county twice each year at both Elba and Enterprise in said county, to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act.

H. 360. To empower the city council of Birmingham, Birmingham, Alabama, to sell certain parts of 19th street, 17th street, 16th street, 15th street, Alley G and Maiden Lane, in the city of Birmingham, Alabama, and direct the application of the proceeds derived therefrom.

H. 371. To amend section 7083 of the Code of Alabama, of 1907.

H. 324. To prescribe the restrictions and conditions under which regular practising physicians who are retail dealers in drugs may sell pure alcohol for medical purposes only, and prescribe penalties for sales by them of such alcohol for other purposes than as prescribed by this act, and for other violations thereof.

H. 369. To allow confederate soldiers to engage in the business of peddling and hunting in the State of Alabama, without payment of license.

H. 67. To amend sections 1, 5, 8 and 30 of an act entitled "an act to regulate railroads and other common carriers; to secure reasonable rates and adequate service, and to prevent unjust discrimination in their public service and prescribe penalties for the violation thereof," approved February 23, 1907.

H. 128. To prescribe the qualification of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all the courts of this State.

H. J. R. 91. Relative to requesting the governor to employ a competent person to examine the Journal of the House and Senate upon the adjournment of the Legislature.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House Joint Resolution the titles to which are set out in the above and foregoing report of the standing committee on enrolled bills.

RECESS.

On motion of Mr. Haley, the House recessed until 8 o'clock p. m.

NIGHT SESSION.

The hour having arrived the House reconvened.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. Daniel G. Cook, of Wilcox and Prof. George H. Harris, of Monroe.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on enrolled bills begs leave to report that it has examined, and found correctly enrolled the following bills :

H. 145. To amend sections 546 and 547 of the Code of 1907.

H. 156. In relation to social clubs and societies for the social or literary advancement of their members or both, chartered or organized by or under any statute or law of the State of Alabama; to provide for their incorporation and to regulate their continued existence, to revoke the charter of those not complying with this act; and to prescribe penalties.

H. 259. To provide for and regulate the manufacture, sale and inspection of mixed feed stuffs in Alabama, and to provide penalties for violations of this act.

H. 68. To regulate the disposition and disbursements of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

H. 246. To amend an act entitled "An act to provide for the organization, incorporation, government and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof and adding sections 94 1-2, 107 1-2, 137 1-2, 139 1-2, 76 1-2.

H. 223. To amend section 7851 of the Code of Alabama.

358. To amend sections 2120, 2122, 2156, 2174, 2175 and 2158 of the Code of Alabama.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on enrolled bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The president of the Senate having signed in the presence of the Senate the following Senate bills, your signature thereto is requested :

S. 15. An act to amend section 2089 of the Code of Alabama 1907.

S. 50. To regulate the right to carry a pistol in this State.

S. 105. To regulate the packing and sale or other disposition of feed stuffs.

S. 118. To perpetuate the United States government surveys in the State of Alabama.

S. 137. To amend section 3860 of the Code of Alabama.

S. 148. To authorize the sale, lease or disposition of an electric light plant, gas plant or water works plant owned by any town or city, or municipal corporation in this State.

S. 152. To provide for the payment of insurance and repairs on buildings at the Soldiers' Home at Mountain Creek, Alabama.

S. 9. To provide a fund for the compensation and expense of the assistant bank examiners.

S. 7. To authorize and empower the commissioners' court, board of revenue or other court or county officers of similar or like jurisdiction to donate or appropriate funds from the county treasury to aid in the support of those schools known as county high schools, established under the act of the Legislature approved August 7th,

1907, and to ratify and confirm all appropriations heretofore made for such purposes, and to repeal all laws and parts of laws in conflict therewith.

S. 3. To amend section 4559 of the Code of Alabama, 1907.

S. 87. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

S. 107. To provide for an official shorthand reporter for the city court of Anniston, and the circuit court of Calhoun county to prescribe the term of office and duties of such reporter, and to fix his compensation.

S. 79. To provide for the appointment of an official stenographer for each of the circuit courts and courts of like jurisdiction for which a stenographer is not now provided by law of the State of Alabama; to prescribe his duties; to fix his compensation and to provide for the payment of the same.

J. A. KYLE,
Secretary.

SIGNING OF BILLS.

The speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate

CHIEF EXECUTIVE DEPARTMENT, ALABAMA.

Montgomery, Aug 24, 1909.

To the House of Representatives:

I am directed by the governor to transmit to you the following message in writing:

JOHN D. MCNEEL,
Private Secretary.

GOVERNOR'S MESSAGE.

On motion of Mr. Gunter, the House concurred in and adopted the amendment proposed by the governor to the bill H. 246, said governor's amendment being as follows:

To the House of Representatives:

I return herewith House bill 246 without my approval and suggest the following amendment to meet my objections to said bill:

Amend section 107¹/₂ by striking out the words "by ordinance shall provide for the assessment of" and in lieu thereof insert the following words "shall assess."

B. B. COMER,
Governor.

Aug. 24, 1909.

Yeas, 61; nays, 0.

Yeas:

Messrs. Speaker	Henley	Pitts (Perry)
Armstrong	Hughes	Pratt
Arnold	Jenkins	Pugh
Arrington	John	Rainer
Ballard (Autauga)	Johnson	Rice
Ballard (Pike)	Jones	Rowe
Benners	Kirby	Rushton
Bulger	Lacy (Dallas)	Sample
Burney	Lacy (Walker)	Sanders
Cannon	Lee (Barbour)	Seale
Carmichael	Lee (Etowah)	Smith (Lee)
Cooper	Lindsey	Stollenwerck
Cranford	Mitchell	Tarrant
Crum	Moore	Tunstall
Doyle (Clarke)	McCrary	Turner
Doyle (Marengo)	McCurdy	Urquhart
Dudley	McDuffie	Vann
Fuller	Pearson	Wittmeier
Garner	Peete	White (Perry)
Gunter	Pitts (Dallas,	Woolf
Haley		

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by the governor to House bil 1246.

And return same herewith to the House.

J. A. KYLE,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on enrolled bills begs leave to report that it has examined, and found correctly enrolled the following bill :

H. 246. To amend an act entitled "An act to provide for the organization, incorporation, government and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for violations of the provisions of this act" by amending the title and sections 23, 36, 38, 53, 63, 81, 120, 126, 78 thereof and adding sections 94 1-2, 107 1-2, 137 1-2, 139 1-2, 76 1-2.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILLS.

The speaker of the House, in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which is set out in the above and foregoing report from the standing committee on enrolled bills .

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by the governor to House bill No. 226 and returned same herewith to the House.

J. A. KYLE,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your committee on enrolled bills begs leave to report that it has examined, and found correctly enrolled the following bill :

H. 226. To amend sections 161, 162, 163 and 164 of an act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act, approved August 13th, 1907.

J. S. WILLIAMS,
Chairman.

SIGNING OF BILL.

The speaker of the House in the presence of the House immediately after the title had been publicly read by the clerk, the reading at length having dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which set out in the above and foregoing report of the standing committee on enrolled bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has adopted the following joint resolution :

Br Mr. Gamble.

S. J. R. No. "Be it resolved by the Senate, the House concurring, that a committee of two from the Senate and three from the House, be appointed by the president of the Senate and the speaker of the House to notify the governor that the Legislature has finished its business and begs to inform his Excellency that they now await his pleasure."

Committee on the part of the Senate Messrs. Gamble and McWhorter.

And sends same herewith to the House.

J. A. KYLE,
Secretary.

SENATE MESSAGE.

On motion of Mr. John, the above resolution was adopted and the Speaker named as a committee on part of the House:

Messrs. Ballard, of Autauga, Gunter and Henley.

JOURNAL.

Mr. Rice, acting chairman of the standing committee on the Revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal begs leave to report as follows:

We have examined the Journal for the 22nd day and find the same to be correct.

FLEETWOOD RICE,
Acting Chairman.

The report of the committee was concurred in and the Journal for the 22nd day was approved.

The committee appointed to wait upon the governor made the following report:

To speaker Carmichael and members of the House of Representatives:

I thank you for uniform kindness and courtesy. I compliment you on your arduous work, integrity of purpose and success in enacting into statutes those matters you believed for the best interest of the State.

The equalization of taxes, the care of the eleemosynary institutions, the largely increased appropriations to the old soldiers, the broadened educational facilities for both rural and high schools, the care of our law and medical departments, the enabling, so far as State and Federal constitution would admit, the State to dominate and control her own affairs; the enactment of the broadest and most effective temperance legislation, protecting the women and children, preserving the boys and girls, the young men and women,—all these laws will build a higher and better civilization and citizenship, and make the future of Alabama most prosperous and successful.

I am sure that the State will never have a body of men of more unswerving purpose, of greater honesty and sincerity of execution.

Gentlemen, I wish you a pleasant and safe return home. I wish for you the highest endorsement of our people. May God be with you and yours always.

B. B. COMER,
Governor.

Ang. 24, 1909.

ADJOURNMENT.

On motion of Mr. Pitts, of Perry, the House adjourned sine die.

A. H. CARMICHAEL,
Speaker of the House of Representatives.

Attest:

CYRUS B. BROWN,
Clerk of the House of Representatives.

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